MISSISSIPPI LAW JOURNAL

PROCEEDINGS
MISSISSIPPI STATE BAR

Forty-First Annual Meeting

INDEX FOR VOLUME XVII

October, 1946

VOLUME XVII NUMBER 6

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Contents

DIRECTORY TO PROCEEDINGS

ADDRESSES

Earle L. Wingo, *President's Annual Address* 435
Catherine Bass, *Function of the Children's Code Commission* 443
William Haralson, *Mississippi's New Youth Court Act* 449
J. M. Lopez, *Program of the F. B. I. in Mississippi* 455
James D. Arrington, *Address* 469
Hugh N. Clayton, *The Junior Bar—Past and Future* 491

REPORTS

Mississippi Law Journal 440
War Work Committee 441
Committee on Uniform Laws 453
Finance Committee 462
Committee on Administrative Law 463
Junior Bar Section 466
Law School Committee 467
American Bar Association Committee 477
Resolutions Committee 479
Legislative Committee (*Jr. Bar*) 483
Committee on Unauthorized Practice of Law (*Jr. Bar*) 485
Committee on Co-operation with Lawyers Returning from Service (*Jr. Bar*) 487
Code Committee (*Jr. Bar*) 488

RESOLUTIONS AND MEMORIALS

Robert N. Somerville 479
Members Who Died in Service 480
Thomas Charles Kimbrough (*Jr. Bar*) 502
Charles A. Sisson (*Jr. Bar*) 503
Recommended Change in State Bar Act 481

AUDIT OF ACCOUNTS AND FINANCES 506

DIRECTORY OF MEMBERS 510

PROCEEDINGS OF JUNIOR BAR SECTION 483

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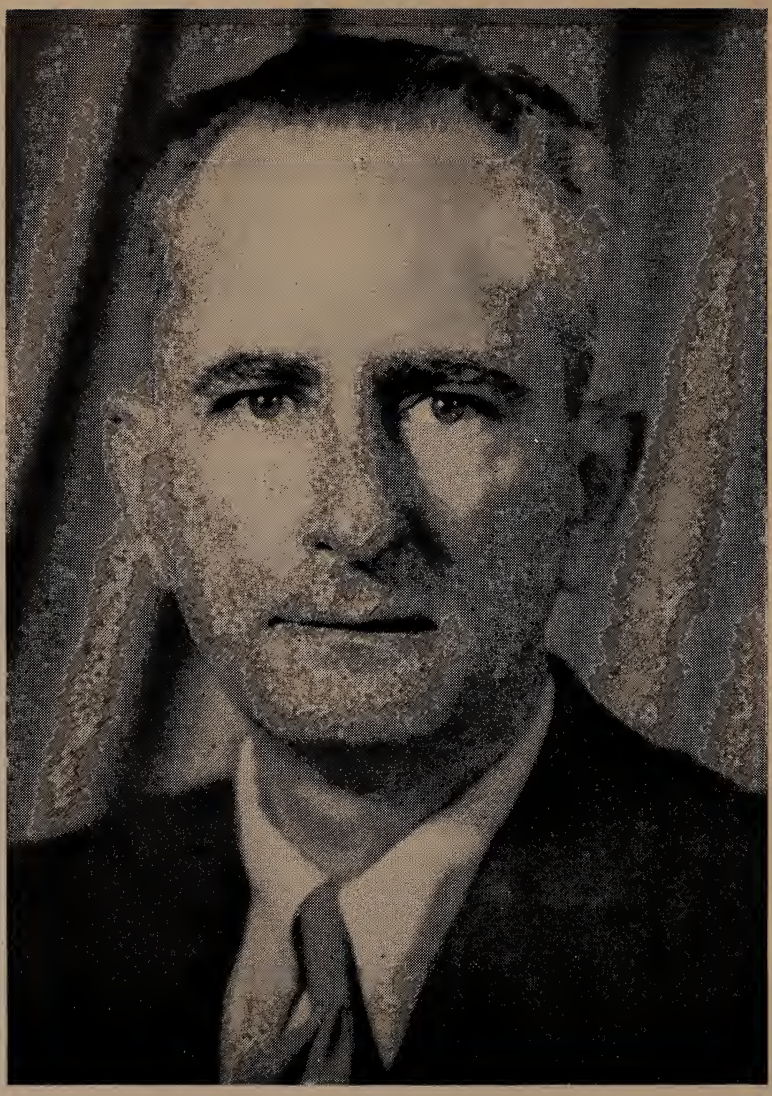

EARLE L. WINGO

Retiring President of Mississippi State Bar

PROCEEDINGS OF THE FORTY-FIRST ANNUAL MEETING OF THE

Mississippi State Bar

Held in the City of Jackson, Mississippi on the 28th and 29th of June, 1946

The convention was called to order at 10:30 a.m., June 28, 1946, by Mr. Earle L. Wingo, President of the Mississippi State Bar.

The invocation was delivered by Dr. W. B. Capers.

Addresses of welcome were delivered by Mayor Leland Speed, on behalf of the City of Jackson, and by Mr. J. Ed Franklin, on behalf of the Hinds County Bar. Mr. Jim Cunningham, of Booneville, responded to the welcome addresses, on behalf of the Mississippi State Bar.

President Wingo stated that the next item on the program was the president's annual address. His address follows:

PRESIDENT'S ANNUAL ADDRESS

EARLE L. WINGO

Ladies and Gentlemen of the Mississippi Bar, I am sincerely obliged to you for the generous expression of confidence in having chosen me to serve as your President of this great Bar Association. It was the gracious bestowal of a high honor—the highest within your gift—and was neither deserved nor earned by me, but, nevertheless, was an honor which I shall ever cherish in my heart and memory.

During my term of office I have had the privilege of realizing, as never before, the excellent and noble character and the patriotic spirit of the lawyers of Mississippi. Upon every occasion, when invited to serve, they rendered loyal, willing, unselfish co-operation. It was, therefore, a real pleasure to work with all of them as we sought to discharge varied duties and assume the many responsibilities which were ours.

I am told that, already, we have had a greater number of registrations than ever before; that, from all indications now, we shall have the largest attendance in the history of our Association. And this great outpouring of lawyers from every nook and corner of our State bears evidence of your interest in the business and affairs of our organization.

For the first time in nearly five years we have the opportunity to meet with the younger lawyers of our State, because more than eighty per cent of the members of the Junior Bar Section served in the var-

ious armed forces of our great Nation in time of war. And now that the clouds of that terrible, world-wide conflict have been lifted from the horizon of this peace-loving nation, we are so happy to welcome back those gallant young, lawyer-veterans. And we shall not soon forget nor fail to appreciate the great sacrifices which each of them made in consequence of separating from their homes, loved ones and law practice to don the uniform of patriotic, loyal and brave defenders of America.

There is no need for me to pay tribute of praise to those young men of the legal fraternity who were in active military service, for the memory of their valor and intrepidity is still fresh in the hearts and minds of a grateful citizenship. And the entire bar of our State stands anxious and ready to assist and aid you in all ways possible to become re-established in the practice of your chosen profession.

There are those present, within the sound of my voice, whose brave and gallant sons made the supreme sacrifice upon the altar of war and sleep this morning beneath the sod in foreign lands. Truly they gave their all that you and I might have and enjoy the uncounted blessings and privileges which are ours today in this great Republic. They fought, bled and died for the preservation of our treasured liberties.

The lawyer-veterans brought back to us the banner of victory. Our evil, murderous, unholy enemies—Germany, Italy and Japan—were routed upon every field of battle and the war has been won. But, my friends, we have not yet won the battle for peace. And until we can do that, the sacrifices of our brave soldiers shall have been in vain. Indeed, it would be nothing more than an empty victory without a definite program to insure permanent, international peace.

Many of us can recall that, in the early days of 1917, when we became embroiled in World War One, there came a clarion call to the young manhood of America to engage in a war to end all wars. And those of us who answered that call felt that it would be a noble experience—to engage in a war that would end all wars. We felt that it would be a great contribution to civilization, but too soon learned that our hopes and ambitions were to fade into the land of forgotten dreams. Because in our own generation we saw the same enemy overrun, pillage and destroy the small, helpless democracies of Europe and proclaim, once more, that the Master Race had been ordained by God Almighty to conquer, rule and enslave the peoples of all nations who could not boast of German blood. On account of this situation we observed our own sons engaging the same enemy upon the same foreign soil.

Yes, we were also told that it would be a fight to make the world safe for Democracy. But even today we are in a quandary to know whether Democracy is safe in the world!

More than a billion humans look toward America today. They are watching us to see whether, after all, the American Way of Life is the better way of life. They want to know whether our Democratic form of government is the better form of government. They have suffered the tortures of starvation and ruin as the pitiful slaves of self-appointed dictators like Hitler, Tojo, Franco and Mussolini. And their disturbed minds and frail forms will not be convinced if we render only lip service in attempting to make the proof.

We should not be required, each quarter century, to engage in world wars to preserve our form of government. Rather, we should, by our manner of living and daily conduct and by our attitude on questions of foreign policy, prove to those interested and who seek an improvement in or revision of their own form of government that ours is superior in every respect.

It is a matter of common knowledge and observation that there are those in America today whose ambition and purpose is to destroy every parcel and part of our Democratic institutions. And these evil minorities and pressure groups make no secret of their hopes and plans. They have the audacity to claim protection under our Federal Constitution—the very instrument they would delight in destroying. The "Freedom of Press" clause is pointed to as their haven of protection while they publish and distribute into American homes their poisonous creeds of Communism and other base and ill-formed isms.

Can it be said that we should be contented with conditions as they exist in America and in the world today? Is it not high time that we in the United States should adopt anew the slogan: "Wake up, America"?

Indeed we are far from completing the terms and conditions of Peace. The program has been purposely blocked and stalemated by those having selfish designs. The plan of reconversion—from War to Peace—has been checked and retarded by a series of riots and strikes, and regardless of who may be right or who may be wrong, it has had a devastating effect upon our national economy.

Consider, for a moment, the unwholesome spectacle of two Justices of the United States Supreme Court bickering, publicly, each with the other, and making accusations against the character and integrity of those who sit upon the bench of the highest tribunal in the Nation. Will such conduct not contribute to a breaking down of respect for the judiciary and the legal profession?

We have no justification for so much happiness in America when we behold that which appears before our very eyes each day.

Only this morning, there appears on the front page of the Times-Picayune newspaper an article which states that since Russia continues to censor all news of American correspondents stationed within

Russia, we plan to retaliate by discontinuing the shipment of food to Russia under the U.N.R.R.A. program. The same paper, a few days ago, carried the story that Earl Browder, the Communist leader in this Country, has just returned from Moscow, after a series of conferences with Stalin and other high officials of the Communist party in Russia. He is the same Browder who officiated at all Communistic functions in America and publicly admitted that he would like to supplant the Democratic institutions of this Nation with the Five Year Plan of Communism! Earl Browder coming back to the United States? Coming back here for what? Again I say: "Wake up, America!"

I have long been suspicious of Russia because of her constant policy of secrecy in all things as she deals with this Country. The condition, as it affects our relationship with Russia, has been described as "A curtain of steel".

Congressman W. M. Colmer, in a recent public address stated that, when he and other members of the American Congress made an inspection tour in Russia, shortly after the defeat of Germany, they were required to detour some 200 miles, in their plane, enroute to Moscow, because the Russian government prohibited them from flying over an area in Germany which was occupied by the Russian troops! That, while in Russia, their every movement was shadowed by secret agents and reports made to high Russian officials as to what was said and to whom they had talked!

Russia now boasts that she will use the veto power to block every proposal of the U.N.O. unless we pacify the whims and fancies of the Russian representatives. Is this the type of co-operation we should expect from an ally to whom we gave most of the implements of war that she might be saved from the onslaught of the German armies? And is Russia sincere in her whispered assurances that she wants no further war but seeks a lasting peace?

We have almost completed the demobilization of our army, navy and air corps, but Russia still maintains an army of over sixteen million men!

In spite of this situation, Russia comes forth with an application for a loan of six billion dollars. And when our representatives inquire as to the purpose of such a large loan they are told that it is none of their business.

Until there exists a better understanding between Russia and the United States; until Russia assumes an attitude of frankness and better cooperation, and discontinues her policy of secretiveness toward us, I am unalterably opposed to our government lending Russia a dime!

We have already witnessed the tragedy of a policy of appeasement. It was the pursuit of such a policy that placed England upon the brink of destruction as she, through Chamberlain, sought to appease and pacify the war lords of Germany by smilingly consenting to rough-shod pillage of weaker nations in Europe.

There is need for the assumption of a militant attitude in our dealings with Russia. And by so doing we will then receive the respect and co-operation to which we are entitled and deserve.

America, today, is more powerful, more majestic than ever before in the history of her existence. And with this great power goes, or should go, a comparative degree of responsibility to all civilization. We have no lust for power, nor have we any design against the territories of other nations. We do not subscribe to the doctrine that might makes right, but we do assert our right to happiness and peace. We seek happiness for our citizenship and peace with the nations of the world.

And if we are to assume those responsibilities, there follows the great need for leadership. Not the type of leadership which existed in war-torn Europe among subjugated peoples, but intelligent, courageous, able, patriotic leadership.

God help America if our leaders stop thinking for themselves.

The lawyers of this great Nation have always been the true leaders. Our forefathers carved this land out of a wilderness, and the American lawyers were ever in the forefront, from the birth of the Declaration of Independence to the present time. Our great heritage of a government of law and order, which today stands supreme, is the product of the brains of the early American lawyers.

We have proved to the world that we can defeat and have successfully defeated all attempts of invasion by foreign foes, and if America should ever fall, it will not be as a result of an outside foe, but in consequence of crumbling from within. Let us, therefore, put an end to the spread of Communism in America. Let us resolve, now, today, to keep America free for Americans, and cast into eternal destruction every type ism except Americanism!

Let us, of this great legal fraternity, assume our rightful places as the leaders of our communities, State and Nation by willingly assuming the responsibilities of proper leadership which these unsettled times sorely need at this hour in America.

It is only by this attitude that we can hope to keep our great Country in her proper place—high above all others, serving as a ray of hope for a war-torn world. Thus will the peoples of the world look up to us as having the greatest nation under the canopy of God's Heaven—a nation great, not because of material wealth alone, but

great in ideals and principles, great in the courage, character and patriotic spirit of her leaders.

The report of the Mississippi Law Journal was presented by Mr. William H. Bizzell, Editor of the Journal.

REPORT OF THE MISSISSIPPI LAW JOURNAL

During the years before the war the Mississippi Law Journal developed into a publication of which the Bar of Mississippi could well be proud. It was recognized as one of the leading journals in the South, and had become a real contribution to the legal profession. During the war, the Law Journal experienced a great many difficulties, as did most publications of its kind. Its appropriations were necessarily cut down to correspond to decreased revenues of the State Bar. As the Law School student body diminished, the staff of the Law Journal became a skeleton of its usual size. There were continual printing difficulties—paper shortages, increased costs, delays. So most of the war period, you received only about three issues each year, and small issues at that. But the Journal did keep publishing throughout the war, which was a real accomplishment and a credit to those who labored on it.

We intend now to go back to the pre-war size Journal. The enrollment at the Law School is back to normal, and we are building up our staff again. We have a new building; those of you familiar with the campus may remember the small brick house immediately behind the Law Building. It has recently been taken over by the Law School and given to us for Law Journal offices. We have asked the State Bar for an appropriation next year corresponding to its pre-war amount, so that we will be able to go back to a full publication schedule.

If we are able to publish five issues this year, we should like to establish a schedule approximately as follows: The first issue of the Fall would contain the review of the work of the Supreme Court of Mississippi during the year. This year we are actually going further, and will review the work of the court since 1942, as it has not been done since that time. The second issue would be what we call a regular issue—leading articles, student notes and case comments. The third we should like to make a symposium. You may remember the symposiums we have had on Oil and Gas, and on Administrative Law. The fourth issue would be another regular issue, and the fifth, usually published in the summer, would contain the proceedings of the State Bar Convention.

I should like to leave this thought with you. The Journal is your publication, and does not belong merely to the Law School. We do most of the routine work of course, up at the University; but it is with your desires and your benefit in mind. When we accept or re-

ject an article, our decision is based on whether we think you would like to have it in the Law Journal, and whether or not it would be helpful to you. With that in mind, we hope that you will enter into our work in every way possible.

We will be glad to have any correspondence with you. We welcome your comments, your suggestions, and your criticisms. If you don't like some articles we print, we will be glad to have your objections. If you particularly like an article, we will be glad to hear from you on that.

If you are not receiving your copy of the Journal, just write us about it—Mississippi Law Journal, University, Mississippi. We will see that you receive it.

When you are at the University and Oxford, come by to see us. We will be glad to have you visit us there.

The report of the War Work Committee was presented by the Chairman, Mr. James Finch, of Hattiesburg.

REPORT OF WAR WORK COMMITTEE

Ladies and gentlemen, due to the shortness of time, I shall try to give you only a rough idea of the work of the War Work Committee of our Bar Association.

While I was away overseas the program was formulated. I succeeded the Honorable Luther Maples of Gulfport as Chairman of this Committee. I began this work about the first of February. This work is set up in this way. The various military separation centers and ports of embarkation have officers usually versed in the law, who are legal assistance officers. When a soldier goes through this separation center, or if he is stationed there, if he has a legal problem in his own state, he goes to his legal assistance officer for his help.

The legal assistance officer then contacts the Chairman of the War Work Committee in his state, which in this instance of course, is Mississippi. These legal assistance officers sometimes are able to give legal advice themselves. This comes through in the form of correspondence. If it is a matter that I can handle by advice from my office, I do so. It usually involves domestic affairs. Some matters are involving land, some personal injury matters. I then refer these matters to competent attorneys located in the home county of the soldier, or in the court having jurisdiction of the matter. Some of you here, I am sure, have received these matters from me in the past. I have had some more than a hundred requests for legal assistance.

When a letter comes in, of course it must be acknowledged. You must contact the attorney to whom you refer it. You usually have to contact the individual, the soldier, to let him know what is going on. So when you get a request, it probably takes from three to five

letters. So then I think that it would be safe to say I have handled more than five hundred pieces of correspondence from the first of February to the first of June.

There has been some discussion as to whether or not this program should be continued. Personally, I think it should, as long as the need is there, and I believe it still is. Right up to the last couple of days, I have had requests for legal assistance. I think we need the program, if the boys need it.

It has been the policy not to dictate a fee to be charged. Many of the lawyers have asked what arrangements are made for the charging of fees. I have told them that of course they want to consider the means of the soldier or sailor, consider his ability to pay. These men who want legal assistance are not looking for charity, gentlemen. They expect to pay for it, but they expect to pay, of course, according to their means. On the other hand, if the party is unable to pay a fee, I think his work should be handled without charge, and it has been in some instances. This work is important.

I can recall one individual case of a boy who was shot in Germany, shot in the head. His home happens to be in Hattiesburg. He was in the hospital. His condition was very serious. It was not known whether or not he would recover. While on a furlough to Hattiesburg, he had engaged in some festivities, had a few beers too much. He fell to the wishes of a sorry woman. She knew that he had a little money, knew that she could get the allotment. Of course she got the boy drunk; they got married. He never saw her after that night. He was then wounded in battle, returned to this country, lay in a very serious condition. He could not, of course, be in court. I naturally felt sorry for the fellow. I wanted to do something for him. I managed to pick up some people who knew about this matter, who were familiar with the circumstances. They are going to come to court for that boy and testify. He would be able to testify. I don't know whether he will live or not. I know he has been hospitalized for more than a year.

So you can see there are things like that which mean a lot to a fellow. This help he needs, and he ought to have. I don't know of any other way he could have gotten it. He wasn't able to take care of his own business. There are many other cases like that.

Of course, my experience with the Committee has been short. I first became connected with it when I came back out of the army myself. I am personally interested in it. I want to do everything I can to help these boys. As long as they want assistance, I am in favor of giving it to them, fee or no fee.

I hope my discussion has given you some idea of the work of this committee. Any questions you would like to ask, or any service I might render, I am more than happy to do so.

President Wingo then introduced Miss Catherine Bass, member of the Mississippi State Bar, and Executive Secretary of the Mississippi Children's Code Commission, who addressed the convention.

FUNCTION OF THE CHILDREN'S CODE COMMISSION

CATHERINE BASS

At the 1944 session of the Mississippi Legislature there was appointed thereby an interim joint Senate and House Committee on Child Welfare Legislation. This Committee by virtue of authority then conferred on it by the Legislature visited with, and reviewed in part the work of the various institutions, agencies, and administrative departments, of the state government charged by law with the care, control, protection, and rehabilitation of children. One of the results of their study was that this Committee together with the State Board of Public Welfare requested Governor Bailey to appoint a special commission of interested citizens of the state to continue the study and review of the conditions and laws then existing in the state that affect the welfare of children, with the view of recommending what action might be taken by the State Legislature that would provide a legal framework for the amelioration of the conditions existing. (Since this audience is largely composed of lawyers you may be interested in the fact that two-thirds of the members of this Legislative Committee, as well as the State Board of Public Welfare, are lawyers.)

Pursuant to this request, Governor Bailey appointed eighty persons representing the various public and private agencies in this state concerned with the promotion of the welfare of children, to serve in a voluntary capacity as the first Mississippi Children's Code Commission. The then president of the Mississippi State Bar as such, as well as several other lawyers and judges in their capacity as representatives of such an interested agency, were members of this Commission. This Commission was requested by the Governor to assume the following responsibilities:

"Study the conditions in the state affecting the welfare of children and the present laws pertaining thereto; review the functions and facilities of the various agencies and institutions in the state charged with the care, control and protection of children; recommend definite legislation planned as part of a consistent unified whole for the establishment of minimum standards for adequate care and protection of our children in the areas of their needs; furnish informational and educational services throughout the state from the results of the studies and research of the Commission."

As a result of the study, research, and other work, of the Commission, from October 22, 1945, its first meeting, to the end of the 1946 session of the Mississippi Legislature, certain recommendations were made to Governor Bailey and the Legislature, which were grouped as follows:

I. Support for increased appropriations for public agencies and institutions in the state charged by law with the care, protection, or rehabilitation of children;

II. Legislation proposed for passage at the 1946 session of the State Legislature;

III. Matters needing further study.

These recommendations led to the following results:

With respect to Item I: The appropriations were increased to some extent in each instance supported.

With respect to Item II: Three specific Bills were drafted at the direction of the Executive Committee of the Commission, introduced and passed with some amendments. These 3 Bills were:

1. The Youth Court Act—HB 15, Miss. Laws 1946;
2. The Administration of Child Welfare Act—HB 512, Miss. Laws 1946;
3. Creation of a Children's Code Commission by Legislative Enactment—HB 857, Miss. Laws 1946.

The first two Acts mentioned, that is, the Youth Court Act and the Administration of Child Welfare Act, were drafted so as to provide for, not only the legal framework for the areas of the subject matter covered therein, but so as to tie in with and support, and in turn be bolstered by the subsequent legislation which the Commission envisioned would be drafted and proposed as a result of the future work of such a commission as provided for by HB 857, dealing with such subject matters as those recommended by the Commission for further study. This with the view that the legislation pertaining to children passed at the present and future sessions of the State Legislature might be parts of a consistent unified whole, for the establishment, administration, and enforcement, of minimum standards for the adequate care and protection of the children in the state in the areas of their need.

It was recognized by the Commission that legislation is not the sole nor complete answer to the needs of any classification of children, but that a legal framework is a necessary basis for the implementation, the administration, the enforcement, and the fullfillment of the concept of *parens patriae* accepted by this state from the old English Equity Law, the since-developed and present-day case law, as well as the constitu-

tion and state statutes, all now prevailing in this state. Thus the philosophy underlying the work of the State in these areas of legislation is based on this concept: to-wit, that the State recognizes its duty as *parens patriae* to protect its children who need its protection from a harmful environment, neglect, dependency, and harmful habits of the children; and, to provide the resources possible at this time to afford the care, protection and rehabilitation indicated for the physical, mental, emotional and moral well-being of its children.

Time limitations will not permit at this instance a detailed discussion of the entire provisions of the three statutes mentioned above that were suggested by the Children's Code Commission and passed as amended at the 1946 session of the State Legislature. However, a brief statement of the general purposes and subject matter covered by each will perhaps tend to indicate to you how and with what success the Children's Code Commission has attempted to plan for and carry out its suggested functions.

The Youth Court Act provides for the creation, the jurisdiction and the nature of the proceedings, of a Children's Court as a division of the county court in those counties having a county court, and, as a division of a chancery court in those counties not having a county court. Said Youth Courts thereunder are given the authority to hear, adjudicate, and decree, in cases concerning children of certain ages alleged to be either delinquent or neglected. This Act deals with the handling of such cases only after brought to the attention of a court, except the provisions relating to detention, which provide that no child shall be detained in jail except under conditions therein stated, and then separate and apart from adults. A thoughtful reading of the entire Act will tend to point out that it is drafted so as to afford the Youth Court and its attendant personnel the opportunity to discover within their limitations: first, the cause of the indicated delinquency, or neglect of the child before the court; and, second, to use all possible resources and services available under the Act and in the State-Community to aid in removing these causes and meet the needs of the child for its future well-being and affirmative adaptation to, and as an integral part of, a constructive Society. We might well say that this is one way of wording the general purposes and intent of this Act. These purposes are brought out by the basic concept of the statute, which is, that the court proceedings thereunder are of a civil nature by the state in the interest of the child, as opposed to criminal proceedings by the state against the child; the terminology used in developing this concept; the nature of the hearing, adjudication, and placement and status of the child; the social services available as aids to the court at the request of the court from youth counsellors, the State and County Departments of Public Welfare, and all societies, organizations, and agencies having for their object the protection and aid of children.

The purpose and effect of The Administration of Child Welfare Act—HB 512 Miss. Laws 1946, is to clarify and broaden the function of the State and County Departments of Public Welfare with respect to the administration of child welfare services in this state to dependent and neglected children and to those children in danger of becoming delinquent. It is a revision of the original statute in this connection passed in 1938 when the State and County Departments of Public Welfare were created, and repeals certain obsolete laws in conflict therewith, such as the Act permitting the apprenticing of children by Boards of Supervisors, which was enacted prior to the Mississippi Code of 1848. This Act empowers and permits the Board of Supervisors in each county in its discretion to set aside and appropriate necessary monies to be administered by the County Department of Public Welfare to carry out the purposes and provisions of this Act.

Thus we see that these two Bills seek to provide the legal framework for the state's action, to provide through its already established agencies, some measure of care for those children who are wards of the state, or who are in need of special care by the state; that is, those children who may be deemed to be delinquent, or neglected or dependent, or in danger of becoming delinquent.

That this is just a beginning of what the State of Mississippi might accomplish in this direction is evidenced by the recommendations of the Executive Committee of the Children's Code Commission, based on the reports of the study and research of the component study committees of this Commission, with respect to matters needing further study and related action which included the following:

(1) Regulation of child placing for the purpose of adoption,

(2) Release of parental rights,

(3) Adoptions,

(4) Disputed paternity proceedings,

(5) Non-support of children,

(6) Licensing and supervision of maternity homes,

(7) Licensing of child-caring and child-placing agencies,

(8) Regulation of employment of youth of educable ages,

(9) The law of guardian and ward,

(10) Facilities for special treatment for mentally disturbed children,

(11) Increased facilities for feebleminded children at Ellisville with special attention being given to the needs for care of the negro children,

(12) Convalescent care for handicapped children,

(13) Administration of state institutions for children.

The recognition by the Children's Code Commission that these matters needing further study will require a careful and considered study and review of the present legislation and conditions in the state affecting children, by a small group who might give adequate time to the direction of such work, was incorporated in a proposed Bill creating a Children's Code Commission by legislative enactment. This bill was passed as amended as HB 857 by the 1946 session of the State Legislature. The functions of this Commission are set up in Section 3 of the statute which provides as follows:

> "The Commission shall make a careful study of: The conditions in this state affecting the welfare of children; the functions and facilities of the various agencies and institutions in the state charged with the care, control, protection, and rehabilitation of children; the present laws pertaining to and affecting children including the operation and effect of existing laws, the existence of conflicting, obsolete, or otherwise undesirable laws.
>
> "In making such study the Commission may: Hold hearings, examine documents, records, and existing studies belonging to state agencies and institutions dealing with children whenever such is necessary for the compilation of its work; may examine the existing studies and enlist the aid of other public and private agencies concerned with the promotion of the welfare of children; may furnish informational and educational services, throughout the state and to all agencies co-operating with the Commission in its work, from the results of the studies and research of the Commission.
>
> "On or before the convening date of the regular session of the State Legislature, the Commission shall make a report of the work and the expenditures of the Commission up-to-date to the Governor and to the Legislature of the state. Said report shall include recommendations for: Specific and definite legislation which shall be planned and drafted as part of integrated, unified, and consistent legislation; repeal of conflicting, obsolete, and otherwise undesirable laws; and changes in and amendments to existing laws; all of such as may be needed to embody the results of the studies and research of the Commission, to ameliorate the condition of children and prevent conditions which adversely affect the welfare of children, the same constituting in effect a Children's Code. The Commission shall include in its report its opinion as to the need for continuation of the work of the Commission."

Section 5 of this statute provides that:

> "The Commission shall have power and is hereby authorized to make necessary expenditures to carry out the provisions of this Act in accordance with public and private funds made available therefor; and it may accept donations from private sources for such expenditures."

It is to be noted that no special appropriation was made at the last session by the State Legislature for public funds for this work. But it is hoped by those who have worked as members of the Commission, appointed by the Governor in October, 1945, that through use of private funds from interested individuals and groups (one of which might well be the Mississippi State Bar), and the aid of the personnel of other public and private agencies concerned with the promotion of the welfare of children, that this work might be continued and effected.

The Commission appointed by the Governor in 1945, of which Judge William Haralson of Hattiesburg is Chairman, will continue to serve in a supportive capacity and thus aid in giving interpretation of the need and purposes of the legislation proposed as a result of the work of the Commission appointed under HB 857, Mississippi Laws of 1946.

I think that you, as Mississippi lawyers interested in the content and purpose of the law of this state, as well as being citizens-of-today having concern for the protection and care of the state's most valuable resources—its children—its citizens-of-tomorrow, will be interested in studying, and aid in securing the best administration possible, of these three statutes. Since, as we know, the effective operation of any law depends on the quality of the administration thereof; and since no law is perfect for it is conceived, construed, administered, and enforced by finite minds; and as the oft-quoted full-meaning phrase from the late Justice Holmes, says, "that the life of the law is not logic but experience"; it would appear incumbent on the interested citizens of this state, to aid in interpreting the possibilities of this legislation to the officials in their respective counties and communities who are in a position to protect and conserve the State's most precious resources.

I would like to presume to suggest to the incoming President and Commissioners of this Association, that they consider the value of working with the Executive Committee of the Mississippi Association on Crime and Delinquency, of which Judge M. F. Pierce of Greenwood, Mississippi, is the President; and with the Executive Committee of the Mississippi Conference of Social Work, the President of which is Miss Lena Martin, a member of the staff of The Methodist Home of Jackson, Mississippi; and the Mississippi Children's Code Commission, in their efforts to secure more adequate state legislation for the promotion of the welfare of children. These organizations are com-

posed of memberships who are daily concerned with the administration of laws affecting children. They find from experience many needs of many children in this state that cannot be met without more adequate legislation. You, as lawyers, can render valuable assistance in putting into the proper legal framework, the concepts of the subject matter indicated as needs in this area, and aid in giving interpretation and support thereto in your communities and the state at large—all to the purpose we recognize, to-wit: that the Law may be an effective foundation for the order and welfare of Society.

Mr. Will E. Ward, of Starkville, made a motion that the election of officers scheduled for Saturday morning, June 29th, should be changed to 3:30 p.m., June 28th. Mr. Ward expressed the opinion that a large number of members present would not be able to stay for the Saturday meeting. The motion was unanimously adopted.

Following announcements, the meeting recessed.

AFTERNOON SESSION, JUNE 28, 1946

President Wingo called the meeting to order, after which he introduced Judge William Haralson, of the County Court of Forest County, Mississippi, who addressed the convention.

MISSISSIPPI'S NEW YOUTH COURT ACT

WILLIAM HARALSON

Mississippi's new Youth Court Act will go into effect on October 1st of this year. I think it very fitting that the Act should be discussed before this assembly. In the first place I know that you, as lawyers, are interested in the trend of the law. Some of the provisions of this Act are very involved and very interesting, but it marks a departure, and in some instances a radical change in the time-honored method of dealing with juveniles in our courts. Second, and most important, I am sure that you share with the very good citizens of our state a keen interest in the welfare of the young people of our state. The lawyers can be of the greatest aid in helping to interpret this new Act to the people.

When war-time delinquency struck our present juvenile court set-up, it began to come apart at the seams. Before analyzing this new Act I wish to tell you something of the efforts made to cope with this situation.

The first organized group to meet the challenge of growing juvenile delinquency was the Mississippi Association on Delinquency and Crime. Some five or six years ago Mr. Edwin B. Zeigler, Federal Probation Officer, of Gulfport, organized this Association. Judge L. C. Corban, of Biloxi, served as its first president. Its purpose, as stated in its Constitution, is "to coordinate the efforts of persons in-

terested in the prevention and control of delinquency among children and of crime among adults."

The approach of this Association to the delinquency problem was to appoint a committee to study juvenile court legislation. Judge Luther Manship, County Court Judge of Hinds County, was chairman. He provided patient and intelligent leadership. It would be amiss not to mention others who contributed so much to the enactment of this new Youth Court Act. Among them are Mrs. Zelma Price, of Greenville and Miss Catherine Bass, of Jackson, both members of our profession. Oddly enough, it was the skill of a blind member of the legislature, Hon. Icey Day, from Attala County, which helped so much to guide this bill through the reefs and shoals of legislative waters.

This new act deals primarily with two classes of youth—neglected children and delinquent children. It is well to keep this fact definitely in mind throughout the discussion of this law, which is effective October 1, 1946.

A child "means a person who is less than 18 years of age", according to Section 2 (c) of the Act. This Section, in paragraph (g) recites that a

> " 'Delinquent child' is synonymous with the meaning of what is commonly called a juvenile offender, and means any child not less than ten (10) years of age whose occupation, behavior, environment or associations are injurious to his welfare or the welfare of other children; or who deserts his home; or who is habitually disobedient to or beyond the control of his parents, guardian or custodian; or who being required to attend school wilfully violates rules thereof, or wilfully absents himself therefrom; or who violates any state law or municipal ordinance; or who, by reason of being habitually wayward or habitually disobedient, becomes an incorrigible or uncontrollable child; or who so deports himself as to injure or endanger the morals or health of himself or any other person."

Paragraph (h) defines a "Neglected child" to mean one

> ". . . whose parent, guardian or custodian or any person legally responsible for his care or support, neglects or refuses when able so to do, to provide for him proper or necessary care or support, or education as required by law, or medical, surgical or other care necessary for his well-being; or who is otherwise without proper care, custody, supervision or support; or who, for any reason, and as the result of the faults or habits of anyone, lacks the special care made necessary for him by reason of his mental condition, whether said condition be mentally defective or mentally disordered; or who, for any

> reason, and as the result of the faults or habits of anyone, lacks the care necessary for his health, morals or well being; or who is found in a disreputable place, or who associates with vagrant, vicious or immoral persons."

Section VI provides that the court may require from the Youth Counsellors social investigation before the hearing, additional investigation, if needed, after the petition is filed, supervisory services, medical examinations, school records, etc., as well as to interpret to the Court, the child, the parent or other custodian, the needs of the child and possible answers thereto.

Incidentally, we no longer refer to these workers as Probation Officers. They are now called Youth Counsellors. In my opinion this is a very fortunate change.

These Youth Counsellors may be appointed by a Youth Court Judge, with the approval of the Board of Supervisors, from an eligible list furnished by the State Merit System. This merit system was created under Section 7219, Mississippi Code, 1942. In keeping with the policy of other states those who are now serving as Probation Officers are eligible for reappointment as Youth Counsellors.

This section also provides, in addition to the services of the Youth Counsellor, that the court "may utilize the technical services available through the State Department of Public Welfare."

Let us now examine some of the other important provisions of the new law. In all cases where a child is found to be neglected or delinquent, the parent or any other person responsible may be required to do or omit to do any act which the Judge may deem reasonable and necessary for the welfare of the child. Failure to comply with such requirements shall be contempt of court.

Under this new act, not only may a person be held in contempt of court under such circumstances, but Section 13 provides an entirely new means of protecting children. It states that any parent or other responsible person, who willfully commits any act or omits the performance of any duty which tends to contribute to the neglect of or delinquency of any child shall be guilty of a misdemeanor and shall be punished by fine not to exceed $500.00, or by imprisonment of six months, or both. Of course, under this section a person so charged is entitled to a trial by jury.

We now come to the most fundamental difference between the old and the new law. The new act provides for a hearing without a jury. I quote from Section 8:

> ". . . all cases of children shall be heard separately from the trial of cases against adults, and at any place which the judge deems suitable, *and without jury* . . . . and the hearing shall

> be conducted in an informal manner under such rules as the court may prescribe, without regard to the technicalities of other statutory procedures and rules of evidence. . . No proceedings by the court shall be a criminal proceeding, but shall be entirely of a civil nature concerned with care, protection, and rehabilitation of the child in question."

Other provisions are found in the act to bolster the constitutionality of a hearing without a jury. For instance, Section 9 says that:

> "No decree or order of adjudication concerning any child shall recite any of the facts or circumstances upon which it is based, nor shall it recite the child has been found guilty, but it shall only recite that the child is found to be a delinquent child or neglected child, as the case may be."

The section also contains the provision that:

> "No adjudication upon the status of any child shall operate to impose any of the civil disabilities ordinarily imposed by conviction of adults."

To further emphasize that the hearing is in the nature of a civil procedure there is the further safeguard that:

> ". . . The disposition of a child or any evidence given in the court in any proceedings concerning him shall not be admissible against the child in any case or proceeding in any other court, nor shall such disposition or evidence be held against the child's record in any future school or college enrollment, nor operate to disqualify the child in any future civil service application or appointment." (Sec. 9).

One of the unusual provisions of this new law has to do with the unexcused absence from school. Truancy has long been recognized as one of the chief contributing causes to the break-down in youth morale. Under this new law not only is it provided that a child must not willfully absent himself from school, but that he must not violate its rules. If the child willfully stays away, or disobeys rules, he may be held to be a delinquent and dealt with accordingly.

How much these provisions will aid in solving the long existing problem of compulsory attendance at school remains to be demonstrated. Heretofore the responsibility for proceeding against parents whose children willfully absent themselves from school was placed upon the School Superintendents. This responsibility now seems to be shifted to the Youth Court.

We now come to the matter of appeals. "The pendency of an appeal shall not suspend the order or decree of the Youth Court regarding a child, nor shall it discharge the child from the custody of

that court or of the person, institution or agency to whose care such child shall have been committed, unless the Youth Court or Supreme Court shall so order." (Sec. 24).

It is the concensus of opinion that our law makers have turned over to us a fine piece of legislation. But, of course, there is no law which will administer itself. There is yet much work to be done. We judges will need to study this new act as it applies to our particular court. Also, the District and County Attorneys must assume their full responsibility. The diligence and competency of the Youth Counsellors and others who undertake to advise the court in applying this law will have much bearing on the results to be achieved. If we but match the interest and efforts of those who prepared and passed the new Youth Court Act, there is every reason to believe it will be successfully administered.

Finally, I would like to stress what I said in the beginning—that the sympathetic attitude of the members of the Bar in helping to interpret this law to the public will do much to assure its successful administration.

The report of the Committee on Uniform Laws was presented by the Chairman, Mr. M. M. Roberts, of Hattiesburg.

REPORT OF COMMITTEE ON UNIFORM LAWS

The lawyers of Mississippi, like those of other sections of this country, change their views because of waves of state, national and international sentiment. In 1927 the report of the Committee on Uniform State Laws to the American Bar Association covered thirty-six pages in the bound volume of reports of that year. At that time there were forty-five uniform acts drafted and approved by the National Conference of Commissioners on Uniform State Laws. All but four of these uniform acts had been adopted by one or more states of the United States of America. Only two of the acts had been adopted by all forty-eight states, and those were the Negotiable Instruments Act and the Warehouse Receipts Act (see Reports of American Bar Association, Volume 52, Pages 402-438). According to this report, Mississippi had adopted the Child Labor Act (1914); the Desertion and Non-Support Act (1920); the Negotiable Instruments Act (1916); and the Warehouse Receipts Act (1920). Since 1927 little of space has been given to this subject in reports of the American Bar Association.

At this time, the uniform acts drafted and adopted by said National Conference have increased to approximately ninety, with more than ten not adopted by any state. The Index to the Mississippi Code of 1942 lists under Uniform Laws only the Highway Traffic Act, the Narcotic Drug Act, and the Witness Attendance Act. It is assumed that the other uniform acts existing in Mississippi have been altered by amendments or otherwise to justify the conclusion that the needed

uniformity for listing as uniform laws does not now exist. We have not been strong for changes.

The conclusion to be reached from the above, as we view it, is that the rugged individualism of the South and West cannot be made uniform with the Collectivism of the North and East. Laws, of necessity, must be closely associated with the society of the day. Specifically, New York cannot know or control the race problems in Mississippi, in Texas or in California, and its needs are not ours. Countless examples may be given. Many uniform acts may be very valuable in congested areas of population, and properly looked upon with disfavor by us. It is an earmark of greatness that the Legislature of Mississippi has not blindly adopted masses of uniform legislation not beneficial to our citizenship. Too much of uniformity of state laws may constitute an invasion of states rights we cherish and have almost lost.

Aside from the substantive law, we believe that some procedural statutes could and should be enacted; but lawyers are slow to change and this subject is probably the task of another committee of this Association. At the 1944 session of the legislature there was a concerted effort to get some legislation for the purpose of simplifying trials and increasing machinery for getting at the truth. Something similar to Federal Rules of Civil Procedure should become a part of the laws of Mississippi. As we have more of experience with the new Federal Rules, less of opposition will be heard to this procedural change.

President Wingo called attention to the fact that Mississippi's Governor Thomas L. Bailey was recuperating from a serious major operation, which prevented his attendance at the convention. He then read to the convention the following letter from Governor Bailey:

June 27, 1946

Honorable Earle Wingo, President
State Bar Association
Jackson, Mississippi

Dear Earle:

I wish to take this means of expressing to you and members of the State Bar Association and its Auxiliary my deep regrets at not being able to attend the annual meeting of the Association this year. Nothing less than my present illness would have prevented my attending as I have always held the Association and its members in the highest esteem and looked forward to the annual meetings and fellowship with each member attending.

I wish to congratulate the Association on the splendid work which has been done in the past and particularly during this past year. As

you know, the State Bar Association is one of the most responsible Associations in the state and on it rests the solemn obligation and duty to the public. I am confident that in the years to come, as in the past, the Association will be ever mindful of this obligation and duty and will discharge such in a manner as will always warrant the confidence and respect of the people of this great state of ours.

With best wishes to all of you, I am
Sincerely yours,
Thos. L. Bailey, Governor

The motion was made and adopted that the letter should be made a part of the record of the convention proceedings, and that the President, in the name of the Mississippi State Bar, should send to Governor Bailey greetings, sympathy, and the hope and prayer that he should soon be restored to health.

President Wingo then introduced Mr. J. M. Lopez, Agent in Charge of the Federal Bureau of Investigation in Mississippi, who addressed the convention.

PROGRAM OF THE F. B. I. IN MISSISSIPPI

J. M. Lopez

It is a real privilege to be able to talk to you a few minutes this afternoon about the Federal Bureau of Investigation, not only in Mississippi, but throughout the country. I feel there is a much closer affiliation between agents of our organization, the F. B. I., and you ladies and gentlemen as members of the legal profession than possibly any other field of endeavor. Of course, we know in most instances you gentlemen are on the other side of the fence, where you are defending persons charged with certain criminal offenses; whereas, in most cases, agents in charge are acting on behalf of the Government in behalf of prosecutions. But I am happy to state that in Mississippi, as generally through the other states, there has been a most pleasant relationship between the F. B. I. and legal profession.

I think that has come about by the development of mutual trust and respect between the two professions, law enforcement and practitioners of law. Almost without exception, attorneys today have come to the conclusion, and I think quite correctly, that the F. B. I. is solely a fact-finding organization, and is interested only in getting the cold, actual facts, and let the interpretation of the law, and the trial and conviction, follow as a natural consequence.

What we are interested in is arriving at truth and fact. Now, if that truth and fact serves to acquit an individual or prove the innocence of an individual, I can assure you sincerely, we in the F. B. I. are just as glad when through our efforts an innocent man or woman

has been vindicated, as we feel gratified, on the other hand, when through our efforts a guilty individual has been brought before the courts of justice and punished accordingly.

As I presume most of you know, one of the requirements for admission into the F. B. I. is that the applicant be admitted to the State Bar, and be a licensed practicing attorney. The other type of agent is of course an accountant or an auditor. Here in Mississippi we have a number of us with the F. B. I. who formerly practiced law. Likewise, we have a number of men who have served with the F. B. I., particularly in recent years, and have returned to private practice in the state. So I do feel, there is that close relationship existing not only in Mississippi, but throughout the country, between the F. B. I. and the legal profession.

For those of you, however, who have possibly not had occasion recently to come in contact with the work that the F. B. I. is doing, I think you know we have stressed the fact, and Mr. Hoover has always emphasized, that in the investigation of any case the F. B. I. has to handle, we are particularly careful to obtain evidence in a legal manner, in such a way that it is admissible in court. And, certainly, particularly in the past four or five years, even with the pressure of this last great war, Mr. Hoover has insisted that every individual's civil rights be respected. We have leaned over backward in many instances to avoid what could possibly be interpreted as illegal search, illegal seizure, or illegal arrest, or obtaining any other kind of evidence which might possibly be construed as illegal or unconstitutional. Not only because in such instances admissions would not be admissible, but particularly in our war time stress and strain, it was important that the public as a whole rest assured that its Federal investigative agency was still, despite the stress on it, following the constitution as far as the Bill of Rights was concerned.

We in the F. B. I. are also entering a period of transition, you might say, at this time. I am not going to deal at any length with efforts at investigations in connection with the war. Those have been numerous, conflicting, and in many cases highly confidential. They have resulted in the conviction of a large number of cases of espionage. I think the investigation with the public at large, and the police throughout the country, has acted as a successful guard against espionage in this country. I might mention that these investigations have been most complicated. Rackets, of course, have always played an important part. Those of you who have had occasion to read recent national magazines, have possibly noticed stories, just now being released, which for years could not be told.

You may recall that story wherein the German Intelligence System introduced a system called "Micro-dots." That at one time was highly used as a means of engaging in espionage. For those of you who do not know, that is, briefly, a negative of a sheet of paper usually

8½x10 inches, that has been photographed and then reduced microscopically until that negative is no larger than the dot of an "i". Then, of course, they would plant this little dot in the actual indenture or printed innocent letter. Of course, when the person on the other end would receive it, he likewise would enlarge this negative back to the original size, and have all the instructions and information originally placed on the document.

In one letter alone, as I recall, that was intercepted and examined for that, over thirty pages of "Micro-dots" were found on one page. Of course, when developed out, the thirty pages were highly informative. That went on for months. The German Intelligence Service, naturally, had no knowledge the American Government got that channel of information. Those "Micro-dots" were removed from communications, magnified back to original size by technicians in laboratories in Washington. They were analyzed, studied and discussed with the Army and Navy officers, and new information was prepared, false information of course, and likewise our technicians reduced these and substituted them for the original German dots. Then, the communication was allowed to proceed on its way. As a result, the German Government was for months getting most excellent information from this country. They had no idea, at the time, all that information originated in the laboratory of the F. B. I., working, of course, in co-operation with the Army and Navy Intelligence Service.

Those of you who may have seen a picture show released sometime ago, concerning cases of the F. B. I., may have noticed certain pictures taken of German Intelligence Agents being paid off, where the F. B. I. was able to plant a secret camera in this room. Of course, it was a rather difficult thing to do. You who have seen the motion picture might have noticed that a camera was placed in a soundproof case behind a mirror. That mirror has been perfected by our laboratory in Washington and is what we call a one-way mirror. If you happen to be behind the mirror, it is transparent. Of course, that was set up in that manner in the meeting place of the German Agents. They looked at it, and accepted it as a regular mirror, and forgot about it, not realizing a camera was behind it facing the other way through, which was transparent. Their motions were recorded, and when they came into court and denied having seen each other, and they produced a motion picture projector of two or three individuals shaking hands, passing money and plans, and these same individuals had just sworn under oath they had never seen or heard of each other, of course that was rather convincing to the jury, and it resulted in the conviction of the individuals.

I cite those two cases merely to illustrate how crime detection has advanced during the war. Many scientific strides have been made. Law enforcement had to keep abreast with those strides, because the criminal world always utilizes the latest means of science in effecting

its crimes. For instance, possibly you read recently wherein a rather clever group of burglars caused quite a bit of trouble in New York City, until apprehended, when it was found that they were operating throughout by use of the walkie-talkie radio, which is a product of our war effort. These individuals knew radios would make a perfect set-up for the look-out on the corner, to another around the corner, who in turn relayed to the group planning to dart into the store.

You can rest assured the top-flight criminal element is going to use those advancements. It is up to the law enforcement agencies, and the F. B. I. as one included in that group, to keep abreast with those developments. As a result of war, great advances were made in secret writing and code cryptography. The idea is beginning to be apparent that men hunting a means of operation are now utilizing various phases of that technique in criminal activities.

Now, as I say, we are in a period of transition of law enforcement. We have all fought a two-front war, because, while engaged in espionage and sabotage activities, we of course have had the usual obligations of investigating certain federal crimes that have been delegated to the F. B. I. in this country. By that, I mean the usual bank robbing, kidnapping, automobile theft, and I could go on—over a hundred of those crimes. That has been the home effort. Now that we are ceasing the stress and strain of handling a two-front war, we shall be chiefly engaged in a very serious fight here on the home front.

Judging from the actual figure of the number of criminals that have been submitted for our identification in Washington, there is a potent army of criminals numbering aproximately six million men. Opposed against that is your arm of law enforcement, composed of a hundred and fifty thousand law enforcement officers. So, you see, the odds at first glance are rather large. It is going to take an alert law enforcement agency, and by that I mean County, State, and City, to cope with that situation.

I know you have read various editorials, news releases from time to time, about the increase in crime. You hear conflicting ideas. Some say it is the natural aftermath of any war. Many people view with alarm the increase in crime. Other persons have been inclined to look over it and say it is probably exaggerated due to extensive publicity, more stress being put on it. Not being an alarmist or optimist, but trying to be realistic, there is no use kidding ourselves—we are fast approaching a crime wave in this country. Major crime has increased twenty-one per cent in the last year. I could talk here to you for an hour or two on figures and statistics, and you would not remember any of them. They are rather boring anyway. But, to summarize, there is a notable increase of crime, not only of murder, homicide, and that sort of thing, but also of confidence games and the like. Unfortunately, all too true, the trend has continued wherein the juveniles

under twenty-one years of age have participated in those types of activities to an increasing extent.

There is seldom a day passes, unfortunately, in Mississippi but what there are various sorts of cases referred to us, and most common is the theft of automobiles. It is not an unusual case, but is the same old story from a local sheriff or chief of police, "I have here stolen car in custody, stolen from Louisiana, such and such a place, in possession of two men attempting burglary." How old are these people? One seventeen, one sixteen, something along that line.

Why, here within the past week or ten days, there was a typical example down in south central Mississippi. A man who slept in his store one night, for some particular reason known only to himself, surprised two burglars in the act of entering his establishment. He apprehended them. Both were boys of seventeen. One was on parole from National Training School for Boys. One had been arrested a half dozen times in Wisconsin. Within a short period of ten days, they had stolen a 1936 Pontiac automobile which at the time had four thousand miles on it, and ten days later over five thousand miles on its speedometer. They admitted stealing that, and three others, which they subsequently abandoned, after committing burglary in Kansas, Missouri, Texas, Louisiana, and into Mississippi, where they were apprehended. That is always a good record for Mississippi. I hope it continues that way, so the word will go out to individuals, young and old alike, that if you must commit crime, stay out of Mississippi, because the law enforcement there is on its toes, alert; and, furthermore, the courts are aggressive, alert, active in punishing those individuals.

Of course we have other problems: problems of parole and probation. I think Mr. Hoover expressed himself on that many times. Occasionally the troubles lie in the abuses of the parole and probation system. Time and time again, individuals come into us as second, third, fourth offenders. Invariably, the record shows on probation five years, or on parole from a certain institution. Another thing, the majority of F. B. I. agents that have lost their lives in enforcing the law, have lost their lives at the hands of criminals who at the time were out on parole. Had those individuals been controlled in institutions, and not paroled, a goodly number of agents would still be living, who have sacrificed their lives.

Now another question frequently brought up, and on which we are asked to give an opinion, is the problem of the crime of the veteran. I have heard many, many learned people come up, say, "Aren't you worried, with the millions of men returning to civilian life, that have been taught to kill or be killed, survival of the fittest, seen gory sights, killing human beings? Haven't they become hardened to those painful incidents? Isn't it true these men have been under too terrific mental strains sometimes to enable them to adjust themselves?" I

always resent that, because under that theory you can list all the F. B. I. as potential killers. They of course have to be taught to kill, if necessary, to defend themselves. We don't feel we are criminals; we aren't. We don't feel any serviceman or agent having had to do that is a potential criminal.

Let us not delude ourselves. Of the twelve or fourteen million men having gone into the armed forces, naturally some of them are going to return to criminal ways when they return to civilian life. They would have done so if they had not gone into service. On the other hand, as a result of the training given boys, the physical improvement, discipline, I venture to say we are in agreement, in most instances the boys come home in better condition mentally and physically than when they went into the service.

I think probably the best answer to the question of the veteran's place in the postwar crime area is to go back to World War One, because history does have a way of repeating itself. You recall, many of you, that after World War One law enforcement likewise was confronted with a very serious crime wave. You remember the wild twenties and thirties, when the name "public enemy" first came into use, and the names of Dillinger and others were on the headlines of every newspaer through this country.

It is interesting to note that all those so-called public enemies, "Baby Face" Nelson, "Pretty Boy" Floyd, "Machine Gun" Kelly, right on down the line, with one exception, never served a day in any branch of the armed service in World War One. In other words, only one veteran of World War One reached the dubious distinction of top rating in the past war, and that exception was Eddie Bench, who was probably one of the most talented bank robbers in this country. He was a genius in that line. Had he directed his activities along legitimate lines, he probably would have been outstanding in whatever he had undertaken.

So what were those public enemies of the 20's and 30's doing during World War One? I think that might be the same indication of what we can expect in the future, because the Dillingers and Floyds were not serving in the armed forces in 1917. They were juvenile delinquents. Dillinger was stealing bicycles in Indiana, others pilfering music boxes, what they call "juke" boxes now, and other such petty crime. You can trace the history step by step: first a bicycle, then an automobile, then a filling station burglarized, then another establishment burglarized, then shootings and bank jobs, and finally they reached their distinction of being public enemies number one. So to read the future by the past is about all we can do.

You should give some thought to the future. Our top flight criminals in the next five or ten years are probably not going to be members of the armed forces of this war, but most likely will come

from the 16, 17, 18-year olds who today are just at the point where Dillinger, Floyd, and that bunch were during World War One.

Of course the most encouraging thing about juvenile delinquency is the fact that, through the efforts of an increasingly large number of capable people, public opinion is awakened to it. You had a discussion here this afternoon on what can be done to improve the handling of delinquents. Your Legislature has taken notice of it. You, in the practice of the legal profession, can likewise be of great assistance in improving that juvenile situation. The F. B. I. is interested in juvenile delinquents, naturally, in many ways. You can separate from criminal activities more than half the crimes committed by boys and girls under twenty. Since the F. B. I. is a criminal agency, the F. B. I. is interested in juvenile delinquency.

I can assure you that the F. B. I. in Mississipi, as in every other state in the Union, is going to continue as in the past to be a fact-finding agency, to get to the cold truth and facts, and to get them in a legal manner, which can be admitted into court. If those facts will result in proving a person innocent, we feel we have done just as good a job as if, on the other side, the same set of facts had been used to attain a conviction, which sent a guilty person to the penitentiary. You can rest assured Mr. Hoover is going to continue to insist that insofar as the F. B. I. is concerned, every consideration will be given to leaning over backward to avoid any indication of imposing on, or violating anyone's constitutional rights.

You can rest assured that when the F. B. I. agents bring in a signed statement or confession in court by a person, that confession was voluntary in every sense of the word. Because, today, moved as we are between many strange forces and prejudices, with new, untried "isms" swelling about us, class divided against class, with social and economical upsets following the war, all of us—not only the F. B. I. as a law enforcing agency, but you as members of the legal profession—have to do our part to act more or less as the saving anchor in this tide. Because, now more than ever before, it is important that the representative people of this country keep cool heads to avoid prejudices, avoid antagonisms constantly being aggravated.

Let us not forget the basic fundamental principle of Godliness and good Americanism, with so many hyphenated "isms" coming about now, solely through loudness. There are bound to be organizations, such as communism represents, individually or by organization, that make themselves heard. It is up to us as Americans to abide by the dictates of our own consciences, to remain alert, to defend ourselves against those. And the F. B. I., with investigating and law enforcement as its field of work, can set the example. Too many persons unfortunately today are looking wildly around them to point the way to a better life that lies ahead.

The report of the Finance Committee was presented by the Chairman, Mr. Ralph B. Avery, of Jackson.

REPORT OF FINANCE COMMITTEE

The Finance Committee submits herewith its report and recommendations for the fiscal year 1945-1946.

We have carefully examined the audit prepared by Dick D. Quinn & Company, Certified Public Accountants, covering the past fiscal year, and closing as of May 31, 1946, and certified to by them on June 6, 1946.

From this audit the Mississippi State Bar is in excellent condition, and has been operated reasonably well within its budget.

Your Committee particularly calls attention to the fact that Schedule A-2 of the audit shows delinquent members as of May 31, 1946, and reflects a balance due of $4000.00 from 383 members. It appears from the penciled notes on the audit, that approximately 144 of these delinquents have paid their dues between May 31, 1946 and June 26, 1946. In most cases the delinquencies are due to negligence or oversight, and we recommend that the Commissioners make a strenuous effort to collect this balance.

It appears that due to the large number of members returning from the service, it will be necessary to again employ a full time secretary, and it is estimated that the salary of a competent person will have to be at least $1800 per year.

Representatives of the Mississippi Law Journal have asked that their appropriation be increased from $1400 to $2500 for the next fiscal year. This increase is requested so that additional issues of the Law Journal may be printed. The Finance Committee is of the opinion that additional financial assistance should be rendered to the Law Journal, but by reason of increased operating expenses for the current year, it recommends that the appropriation be increased to $2000, with the further recommendation that an additional $250 be paid by January 1, 1947, if in the opinion of the Commissioners, the revenues collected by that time justify an increase. It is further strongly recommended that the advertising rates of the Law Journal be substantially increased, and that a vigorous advertising program be put into effect to substantially increase the revenues.

The Junior Bar Association has requested an appropriation of $300, and in the opinion of the Committee, the appropriation should be made.

We recommend the following budget for the fiscal year 1946-1947:

Secretary's Salary	$1800.00
*Law Journal	2000.00
Bar Commissioners' Expense	450.00
Office Expense	450.00
War Work in Connection with returning veterans	500.00
Miscellaneous Expense	150.00
Convention Expense	275.00
Junior Bar Association	300.00
	$5925.00

*This item may be increased by $250.00 in the discretion of the Commissioners.

Respectfully submitted,
Ralph B. Avery, Chairman.

The floor being opened for discussion of the report, Mr. Hugh Clayton, of New Albany, presented the following motion:

MR. CLAYTON: I think all of us are familiar with the fact that there are certain lawyers in the state who oppose the idea of an integrated bar and oppose the proposition of paying annual dues. I believe the Commissioners-elect and the President-elect of the State Bar would like to know the sentiment of lawyers here assembled. I would like to move adoption of the report, including in the motion that it is the sense of this body that the new officials of the State Bar should take aggressive steps to see that lawyers who are delinquent in their dues pay their dues, or that the statute be followed and enforced.

The motion carried.

President Wingo called attention to the fact that all members of the Bar, including those delinquent in payment of dues, were receiving the Mississippi Law Journal. He suggested that the incoming Commissioners might well adopt the policy of having the Journal sent only to members in good standing.

The report of the Committee on Administrative Law was presented by the Chairman, Mr. R. M. Kelly, of Vicksburg.

REPORT OF COMMITTEE ON ADMINISTRATIVE LAW

Problems of Administrative Law and procedure have been increased and aggravated to such an extent that in 1937 the President's Committee on Administrative Management issued its report. I will quote excerpts (and this is from the Congressional Record) from the report:

> "The executive branch of the government has grown up without plan or design. To look at it now no one would ever recognize the structure which the founding fathers enacted a

century and a half ago; Commissions have been the result of pursuit of a consistent policy. They are in reality miniature independent governments set up to deal with railroad problems, banking problems, radio problems, etc.

"They constitute a headless fourth branch of the government, a haphazard deposit of irresponsible agencies and uncoordinated powers.

"There is a conflict of principle involved in the make-up and functions. They are vested with duties of Administration and at the same time they are given important judicial work. The evils resulting from this confusion of principles are insidious and far-reaching. Pressures and influences properly enough directed towards officers for formulating and administering policy constitute an unwholesome atmosphere in which to adjudicate private rights. But the mixed duties of the Commissions render escape from these subversive influences impossible. Furthermore, the same men are obliged to serve both as prosecutors and judges. It weakens public confidence in their fairness. Commission decisions involving private rights and conduct lie under the suspicion of being rationalizations of the preliminary findings, which the Commission in the role of prosecutor presented to itself."

I do not believe that any citizen of Mississippi, rich or poor, high or low, who conforms to the requirements of a legislative act (especially when the act provides a penalty for infringement of provisions thereof and mode of procedure), who has secured permit and license to do business, pays all taxes required to be paid and invests in property and equipment for conduct of such business, should be deprived of any personal or property rights by edict of a commission—the personnel of which acts as investigators, prosecutors, and judges without recourse, by appeal, to some court of competent jurisdiction.

The citizen has no privilege of appeal from these legislative creations, and as a direct result, the rights, privileges, prerogatives and inherent principles, for which our forefathers fought, bled and died, are now a meaningless gesture, and the people of the State of Mississippi are living in a Sahara of uncertainty, and if they endeavor to extricate themselves therefrom, they are confronted by dictatorial agencies who arrive at conclusions in keeping with fantastic and imaginary legal precepts, which violate every fundamental of the substantive law, and impose penalties upon litigants, when, in truth and in fact, courts of competent jurisdiction should weigh their cause in the scale of justice, and arrive at conclusions predicated upon the law of evidence and constitutional safeguards.

Every member of the Mississippi State Bar, and the rank and file of our citizenship, should place their stamp of disapproval on such

procedure, and demand a legislative act that will write into every enactment a clause which should specifically state that any aggrieved party, either the State or the citizen, should have the right to appeal to a court of competent jurisdiction, in order that his cause might be reviewed in keeping with the doctrines of Democracy, Americanism, and humanity.

In the past, the people of Mississippi and of the American Republic have had the right and privilege to go into the courts and have all contested causes weighed in the balance of equity and justice. Under our modernized, streamlined, undemocratic and un-American method of handling the inherent privileges of our people, the courts of competent jurisdiction are becoming a thing of the past.

By way of a concrete illustration, in the State of Mississippi we, at this time, have seventy-one (71) Bureaus, Commissions, or Committees, with judicial power as sanctioned by our Supreme Court, who pass upon the rights of the people of Mississippi. I am not saying that certain legally organized agencies should not make investigations and arrive at conclusions, predicated upon submitted evidence, but I wish to place my stamp of disapproval upon any legislative enactment which says that any agency, commission, bureau or committee, "is hereby authorized, empowered and directed to promulgate such rules and regulations which may be necessary to carry out this Act." The rules and regulations which are promulgated very frequently are conceived in infertile minds which are influenced by passion, prejudice, and a lack of capacity to analyze the subject matter in a comprehensive and conclusive manner.

There are agencies of government which promulgate rules, vitally affecting the lives of many people, without prior notice, without opportunity to be heard, and without data or suggestions except such as exist within the agency itself. There are agencies in which the functions of investigation, prosecution, hearing and decision are combined or interlaced in one person or in an integrated group of persons. There are agencies in which the citizen involved is not afforded full notice of issues or proposed findings, or opportunity to be heard by the person or body rendering the decision. There are instances where decisions are based upon facts or supposed facts not exposed to inquiry but lying secluded and protected within the mind or conscience of the members of the agency. There are cases in which adequate judicial review is not afforded.

Of more importance, however, than the fact that these situations exist is the fact that many earnest men assert their necessity and desirability.

I don't believe it ever was intended by any legislative body in Mississippi that any commission or bureau anywhere should be vested with authority to divest citizens of the state, operating lines of business under the forms of law provided by our legislative body, of prop-

erty or personal rights, without recourse on the part of the citizen, deprived of such personal rights of property, to any court anywhere.

Whatever the form of Government, state or national, the Bar is responsible.

As stated by Mr. Franklin, all but 3 presidents of the United States were members of the bar, the other 3 of the military. Sixty per cent of the Senate and more than a majority of the House are members of the Bar.

If from the knowledge and experience of members of this Bar the authority of the commissions should be curtailed, then is it not the duty of the Bar to use their best efforts to effect the remedy?

The report of the Junior Bar Section was presented by the Chairman, Mr. John W. Wade, of University.

REPORT OF JUNIOR BAR SECTION

Mr. President, members of the State Bar, I do not propose to make this a detailed report. The proceedings of the Junior Bar Section will be in the Law Journal which contains the proceedings of the State Bar as a whole, and you may look at it. I see now you are anxious to get onto something else.

I am here to inform you that the Junior Bar Section of the State Bar is now back on its pre-war basis. During the war we got down to a very, very small number. We almost ceased operation. Yesterday we had a large attendance, an attendance which was interested in what was going on. We transacted business. We had reports of four committees, which reports will be contained in the proceedings issue.

Last night, instead of the usual speech, we had our first Junior Bar Section Chairman to talk to us awhile about what the Junior Bar Section has done in the past, and what the Junior Bar Section should do in the future. Mr. Hugh N. Clayton presented to us a distinctly challenging and inspiring program for the future. Those are the usual words, but I might say this, that this time his program, which he has presented to us, suggests four things which might be considered: the matter of procedure and judicial reform, the matter of educational requirements for admission to the Bar, the matter of the pressing problem at the present time of race relationship, and the question of avoiding any possibility of sectionalism within the State Bar.

[Mr. Wade then presented to the convention Mr. William N. Ethridge, Jr., incoming Chairman of the Junior Bar Section; and Mr. James Eaton, incoming Vice-chairman of the Section.]

One other remark I should like to make at this time. Most of us in the Junior Bar Section at the present time have returned from the service. We have the feeling that the important thing for the Bar is to do something. We came back with the feeling that the Bar has definite social obligations; that it needs to act, to bring about better justice in the State of Mississippi. The Junior Bar Section of the Mississippi State Bar has undertaken a program for next year which will distinctly attempt to do something. We earnestly invite the co-operation and assistance of the Senior Bar Section in that regard.

The report of the Law School Committee was presented by the Chairman, Mr. J. V. Gipson, of Meridian.

REPORT OF LAW SCHOOL COMMITTEE

The ravages of war took its toll in the Law School at the University and very materially reduced the enrollment as those young loyal American men, that were able bodied, whose ambition it was to study law and become a lawyer, temporarily gave up their personal ambitions to study law to enter the service of the armed forces of the nation during World War II and helped bring victory.

The fighting ceased, the condition of the Law School at the University of Mississippi has steadily improved and in September, 1945, there were 18 students enrolled in first year of law, 17 students in the second year of law and 9 students in the third year of law, with 2 special students, totaling 46 students in the first term of the 1945-46 college year, of which 29 were veterans of World War II.

In February, 1946, enrollment increased and there were 51 enrolled for the first year of law, 18 enrolled for the second year of law and 26 enrolled for the third year of law, wtih 2 special students and 5 students taking a refresher course, totaling 102 law students for the second term of the college year 1945-46, of which 86 were veterans of World War II.

In the summer term of 1946, enrollment in the Law School continued to increase and the enrollment of the first year of law was 67, the enrollment for the second year of law was 26 and the enrollment for the third year of law was 27, with 1 special student and with 2 refresher students, totaling 123 law students now, of which 103 are veterans of World War II.

Regular college work is carried on during the summer course and in order to permit veterans to accelerate their courses, students are being admitted each term and are also being graduated each term, including the summer term.

It is to be expected with the increased number of veterans of World War II being discharged and the educational benefits provided in the GI Bill of Rights, that the enrollment at the Law School in Sep-

tember, 1946, will continue to increase and should total about 150 law students.

The University has been forced to adopt a system of priority for dormitory rooms by reason of the sudden increase in students and the limited dormitory space, war conditions having prevented a building program during the war years. Therefore, new students are limited to residents of this state and veterans are given preference.

The Law School at the University seriously considered sponsoring a short refresher course for lawyers that are veterans of World War II and a poll was made, which ascertained the number that was interested in taking such a course was not sufficient to justify it. Therefore, for the time being, it will not be sponsored, but if enough interest is shown by a sufficient number of lawyer veterans, it can yet be sponsored.

Five lawyers or graduate veterans of World War II were enrolled for a refresher course in the regular law course in the spring term and two lawyer or graduate veterans are now pursuing a refresher course in the summer term; information is that there will be more lawyers or graduate veterans of World War II taking refresher courses in the fall term.

Your committee recommends that each lawyer visit the Mississippi Law School at University, Mississippi, as often as he can; your committee believes that such visits will be beneficial to the Bar, the law students, and the Law School.

President Wingo announced that the next item of business was the election of officers, and opened the floor for nominations for President of the Mississippi State Bar.

Mr. R. M. Kelly nominated Mr. Jim Cunningham, of Booneville. The nomination was seconded by Mr. Jesse Shanks and Mr. Merle Palmer.

Mr. David E. Crawley nominated Mr. R. C. Stovall, of Columbus. The nomination was second by Mr. Robert Burns.

Mr. Ed Currie nominated Mr. Stokes V. Robertson, of Jackson. The nomination was seconded by Mr. Calvin Wells.

Motion was made and carried that in the event no nominee received a majority on the first ballot, the two high men should be voted on in a second ballot.

The ballots were cast and results announced: Mr. Robertson, 125 votes; Mr. Stovall, 103 votes; Mr. Cunningham, 81 votes. On a second ballot, Mr. Stovall received 151 votes and Mr. Robertson 149 votes. Mr. Stovall was declared elected.

During the counting of the first ballot, President Wingo introduced Governor Robert S. Kerr, of Oklahoma, and announced that Governor Kerr would be principal speaker at the annual banquet in the evening. During the counting of the second ballot, the President introduced Mr. James D. Arrington, of Collins, who addressed the convention.

ADDRESS

James D. Arrington

Mr. President, ladies and gentlemen of the Mississippi State Bar Association in annual convention assembled, I am indeed appreciative of the kind invitation extended to me that has given me the privilege and pleasure of once again appearing before your distinguished group, I certainly am, and it looked like for several hours I wasn't going to appear, it certainly did. But I think these dilatory practices that the lawyers indulge in should be put up with by the people, I certainly do.

On a previous occasion several years ago, I was called by you to appear on the program of your annual convention, I certainly was, and unfortunately my address on that occasion was a successful appearance, it certainly was, and it has caused me remorse of conscience ever since. But it has truly been said, it certainly has, that you get what you pay for, and inasmuch as my appearance on that occasion was entirely free of any suggestion of the filthy lucre we all love so well, you paid nothing and got nothing in return, you certainly did not. Suffice it to say that my appearance here this afternoon is under the same conditions, it certainly is, all of which this complainant complaineth not.

However, my address on the previous occasion was delivered at a convention held on the Gulf Coast, that land of enchanting abode, where the invigorating, exhilarating, and I might say intoxicating atmosphere lulled those attending the convention in that section either into not attending the program of the convention; or, if able to attend programs, into a state of blissful forgetfulness of what the speaker of the occasion had to say. So I have no feeling of hesitancy in coming here this afternoon and delivering the same speech I delivered before you all six years ago.

And thus it was, when my good friend Earle Wingo, the esteemed and articulate president of your Association, called me up on the telephone a few weeks ago, and the fellow that's got the telephone over in Collins came over to my house and told me Hattiesburg was calling me, and I came over to the phone and found out Earle wanted to know if I would be kind enough to come over here to Jackson and enlighten, inform, inspire, and encourage a group of lawyers, I couldn't say no, I certainly couldn't; for, if there's any group in the world needs en-

couragement, information and inspiration worse than you lawyers do, I don't know who it is, I certainly do not.

And I think right here in this part of my speech it is fitting to pay tribute to your president, I certainly do. He is a great lawyer who can expound the law, a lawyer who can successfully encounter opposing lawyers, a lawyer whose powers of analysis, persuasion and display are no surprise, and a lawyer who deeply—Earle, I can't read your writing right here.

Really, my friends, Daniel Webster said with true insight that in a great speech three things are essential: first, a great man; second, a great theme; and, third, a great occasion. In attempting to concoct this speech this afternoon, I only had the first ingredient, and therefore you can readily see I do not have much in store for you. And I do not know anything about the past, very little about the future, and less about the present. I suppose, under the circumstances, I should plead the privilege of non compos mentis and invoke the benefit of the statute.

But you know in my youth I was fired with the ambition to become a lawyer, I certainly was. And I nourished that ambition until 1936, when I was successful in fooling the State Bar Examiners into granting me a license to practice law in this great commonwealth, I certainly did. I stand before you, my fellow lawyers, with a perfect record of never having lost a case. In fact, I never had a case, certainly haven't. In fact, soon after my admission to the Bar, the realization came to me there was certainly a more comfortable way for a young man to starve to death instead of practicing law, so I got into the newspaper game. I don't know how long your profession has existed, certainly don't, but I have Scriptural authority there will always be good lawyers, for it is recorded in the Good Book, "the poor ye shall have with you always." It is a noble profession, certainly is, and the contributions made to civilization throughout the centuries are innumerable.

It has been truly said "lawyers are peacemakers," for surely if a lawsuit is prosecuted vigorously and lasts long enough, at the end of it nothing is left for the parties to quarrel over. And I once heard a great lawyer say, in discussing the relations of lawyer and client, that the client should get all he is entitled to, and very little of that. I think most people would agree with that. All but some will. Although, by my choice, the limited volumes of my law library have accumulated dust, I haven't the least contact with the profession, simply haven't.

As mayor of my town, and ex-officio judge of the police court, I try to wear the habits of my authority as redounds to its credit. I have now been serving my town as Police Judge for ten years, and if I get six more years on the bench, I will be eligible to appointment to

the highest court of the land. It might be possible to have some of you lawyers enter into a partnership with me.

Now I want to read from an enlightening address made by an eminent member of the New York Bar on the subject of lawyers and hod carriers. He pointed out the similarity between lawyers and hod carriers, both being useful to society. The hod carrier with skill carries material with which to build lasting brick walls. If he loiters on the way, carries up unsuitable material, then the result will not be such as redounds to the credit of them on high. Likewise, the lawyer gathers that which he thinks will be helpful to him. It is likewise to be noted it sometimes happens the hod carrier on the way is hit by falling brick and mortar, and knocked back to the ground. The lawyers sometimes experience such misfortunes as they zig-zag their way from the beginning to the end of litigations, and from the bench falls unexpected opinions of the law. I might add, from recent happenings, also falls from the bench personal opinions of each other. But on top of all the other troubles we have, we have seen that the world has had many empires based upon arbitrary powers that seem truly to have illuminated the pages of history with brief light, but neither government nor civilization contained any lawyers of prominence until they came to be founded on the principles of civil liberties. The Magna Charta proclaimed a new law in the world. It remained for the founders of our Constitution to protect personal rights. The success of the great Supreme Court was made possible by the faith people had in it. With that faith now being shaken, I sometimes tremble at what the results will be.

I am ready to join issue, I certainly am, and proceed with my speech. I have one here, I certainly have. I have been going around the country using the subject of Democracy: What it is and Where It Is. I spoke in New Orleans three weeks ago, and after two hours they didn't know where it was and did not care. I have quit using that. In case anybody asks you what I talked about this afternoon, you can tell them my subject was taken from that part of the Constitution that grants freedom of speech. I think that would be very proper, because this is free speech I am giving you all this afternoon.

Have you lawyers ever stopped to consider how important speech is in your profession? What it would mean if all lawyers were dumb? Enough of them like that as it is. In making preparations for this masterful address, I spent hours of research, and the results of that study amazed me, how interwoven are the arts of law and public speaking. There is no reason why the art of public speaking, which the Ancients called the "art of arts" should not be so favored. The beginning of public speaking is remote, at least prehistoric. Mother Eve's speech in the garden of Eden is a classic example of what sometimes befell people through that device.

Public speech accompanied movements in war, and public acts in peace in the form of oratory became a large factor, and predominated in the lives of the people. It became a useful force in establishing the rights of property. Many persons thrown into litigation had not the knowledge and ability to defend their cases, and for that reason private citizens were instructed in oratory. A class of speech writers sprung up, who furnished professional arguments to the unprofessional pleader of his own cause. Lysias wrote them according to the terminology of his days. The record shows that out of 233 arguments which Lysias wrote for his clients, only 2 failed to secure favorable verdicts. When his ability received such attention remarkable results were to be expected, and it was but natural that remarkable orators sprung up—Isocrates, Aeschines, and of course the greatest of all was Demosthenes.

Demosthenes was the son of a prosperous man, left an orphan at seven years of age, with an inheritance to be misappropriated and squandered by his guardians. He had the strongest incentive, to prosecute the trustees who betrayed him. With a voice weak and ill-managed, he learned to articulate distinctly speaking with pebbles in his mouth, declaiming on the seashore above the roar of the waves, and running uphill as he recited. Later, he plead his case against one unjust guardian and won a verdict of damages.

Other great speakers have come upon the scene of the world, and I am happy to be numbered among them. You know the test of a great speaker lies in the knowledge he has that it is time for him to stop speaking, and I can stand that test, I certainly can.

And, in closing, I will remind you gentlemen of the Bar that there has never been a time more favorable than now when men learned in the law, and whose lives in and out of the profession are guided by the desire to do right and justice, should aid in our adjustment to these new conditions. I don't say that because I think the members of the Mississippi Bar have been dilatory in their duties, for the rolls of those who have served with honor and dignity are filled with those that have come from your ranks. You heard previously this afternoon how many of our presidents have been lawyers, and I have heard that out of eleven elected governors of this commonwealth, nine were lawyers, one a doctor, one an industrialist, and one-half a minister. And so I say to you, that this state certainly has averaged its share of public officials.

Now I have to hurry along, I certainly have, because I have so little to say and so much time to say it in, but I would commend to you lawyers of Mississippi this philosophy of life, which I have tried to carry over this country of ours. These days are indeed serious times in which we find ourselves, and we, as a people here in America, seem as though we get great enjoyment out of worrying. Yes, sir; if we don't have anything in our own lives to worry us—we are accommo-

dating people, we certainly are—we are more than glad to worry about some other people's business. But I say to you this promiscous worrying the American people have engaged in has brought this great nation of ours today on the verge of a national breakdown. There is a lot of difference between thinking seriously and promiscuous worrying. I commend to you the thought that you keep account of the things you worry about in an ordinary day, and you will find later on, in looking over those things, that fully ninety per cent of the things you worry about are matters of purely no consequence.

I used to do lots of worrying, certainly did. Back in 1939 when this war first broke out, I worried lots, I certainly did. I was in the draft age, and I had no idea I would be on the Draft Board, and I worried about it. I would come home from my office and would sit down at the radio and listen to the commentators tell about the advances Hitler made during the day. I wasn't a smart man, certainly wasn't, but I could see this country was being brought into war. I worried about it. One night I came home and the war news had been extremely bad that day, it certainly had. Hitler had marched through the low countries, and the commentators were talking about the advances, and it worried me, it certainly did. I was sitting in front of the radio holding the baby of our household. He was about six months old then. My wife was in the kitchen warming his bottle, and she interrupted the program, and she says, "There is one thing I can't understand." Well, I was mighty glad to hear her admit there was one thing she couldn't understand. I says, "What in the world is it?" "I can't understand how a baby that little can hold so much milk." Well, I got up—I was holding the baby—I got up and put on my dry shirt. I says, "That's the trouble; he ain't holding it." Then, as time went on, that was Hitler's trouble, it certainly was. He wasn't able to hold what he took.

It has been a pleasure, it certainly has, to come here this afternoon and bring you this message of inspiration. I feel certain these parcels of wisdom dropped at your feet will not be confined to those present; but, like the missionaries of old, you will go throughout this land of ours pleading with our people to return to a constitutional government and quit their worrying.

President Wingo opened the floor for nominations for first vice-president. Mr. R. O. Bickerstaff nominated Mr. Toxey Hall, of Columbia. The nomination was seconded by Judge Arthur Busby. On motion of Mr. Jesse Shanks, nominations were closed and Mr. Hall elected by acclamation.

President Wingo asked for nominations for second vice-president. Mr. James Eaton stated that the Junior Bar Section had voted unanimously to recommend to the convention Mr. Charles S. Tindall, Jr., of Greenville, for second vice-president. On motion of Mr. Jesse

Shanks, nominations were closed and Mr. Tindall elected by acclamation.

The members of the convention separated into district meetings and elected the following commissioners:

First District—T. A. Clark, Iuka
Second District—R. W. Thompson, Jr., Gulfport
Third District—Leslie Darden, New Albany
Fourth District—Jerome S. Hafter, Greenville
Fifth District—Hoy Hathorn, Louisville
Sixth District—E. G. Truly, Jr., Fayette
Seventh District—Fulton Thompson, Jackson
Eighth District—H. G. Stamper, Union
Ninth District—J. D. Thames, Vicksburg
Tenth District—Tally D. Riddell, Meridian
Eleventh District—J. T. Lowe, Tunica
Twelfth District—J. K. Travis, Hattiesburg
Thirteenth District—R. S. Tullos, Raleigh
Fourteenth District—Louis Alford, McComb
Fifteenth District—L. C. Bridges, Purvis
Sixteenth District—J. E. Caradine, West Point
Seventeenth District—J. H. Caldwell, Charleston

The meeting then recessed.

MORNING SESSION, JUNE 29, 1946

President Wingo called the meeting to order. He then informed the members that Mr. Robert N. Somerville, of Cleveland, who had come to Jackson for the convention, had suffered a stroke and died on the preceding day. At the suggestion of Mr. Wingo, those present stood a moment in silence out of respect for the deceased member.

President Wingo then presented Mr. W. A. Ellis, of Carthage, who read his annual poem to the convention.

A PLEA FOR PEACE

W. A. Ellis

The modern world's been weighed, and feared, found wanting;
The God of all the earth decrees it so;
The spector of dead empires keeps on haunting
Like Daniel told of Babylonian woe.
The hand still writes on hut and palace wall—
Interpret it who can. God save us all.
It's *mene, mene, tekel, peres,* still,
For ev'ry nation that would scorn His will.

America has undergone transition
From fierce democracy of other days
To shifting scenes from old to new position,
Made possible to suit some modern ways.
Too many -isms, schisms of all kinds
Enslaving liberty of hearts and minds.

America, say whither are we drifting?
What change comes o'er the spirit of thy dreams
That loudly calls for repeal or amending
Lest we be caught as driftwood on the streams?
I pause, I tremble, stumble, when I think
We stand upon some catastrophic brink
Of dissolution, anarchy, decay,
That may or may not happen in our day.
Forbid it Lord, that such should ever be
In this dear land of brave men and the free!
We all agree that something should be done
To face the rising, not the setting sun.
The cross of Christ, not dollar mark of man
Should be the guiding star to lead the van.
In hoc signo, vinces, said Constantine,
The first great Christian monarch of his line.

America, a change is in thy making;
Democracy we've known, we know no more;
The freedoms we have loved, we're now forsaking,
And worshipping strange Gods unknown before.
What is the cause of all this change of heart?
Have people failed to play a noble part?
Too many regulations, have, no doubt,
Helped bring this situation round about.
Strange fires upon the altars have been found
That should not burn upon this hallowed ground.

In all the wars of ev'ry name and order,
From Revolution down to World War Two,
In ev'ry war at home or 'cross the border
We've won them all and somehow struggled through.
We're standing now upon the great divide
And hear the distant roar of wind and tide.

When Councils meet of highest rank and station
Of ev'ry kindred, tribe and tongue of men,
Let Peace be won as final destination
And common sense rule nations once again.
War weapons beat to plough shares as of yore,
Lest nations learn to make war any more.
Isaiah and Micah said this long ago,
To warn against impending war and woe.

Beware of politicians' windy speeches
That promise much the people have to pay;
They pile up debt on debt until it reaches
A million miles beyond the milky way.
They'll promise anybody, anything,
To get or stay in office, in the ring.
Remember what our jurist, Story, said,
About a speaker's great, spread-eagle spread:
'Twas simply this: "Remember ev'ry cause,
Stands not on promises, but stands on Laws."

Big business and labor, in loss or gain,
Make good all damages in error's chain.
Treat them as equals and incorporate
To better serve the public and the state,
So each can sue, be sued and garnished
As justice may demand and things proceed,
The principal be held for agent's acts
According to law on the proven facts.
Do not carouse around the banquet board
Where food is served and sparkling wine is poured,
But let the Golden Rule point out the way
From darkness to a brighter, better day.

Let Capital and Labor ponder o'er
What laws have left unsettled heretofore.
As opportunities may upward climb,
Responsibilities increase in time.
Eliminate all boastful racketeers
Whose chief asset is role of profiteers.

America has suffered by depression
Like other nations, in a downward trend
In moral stamina and transgression,
At home, in school, and church, state, without end.
In drink, divorce and ev'ry sort of crime
Delinquency keeps marching all the time.

God give us men to serve the present hour,
To see the good and evil in each cause,
Imbued with wisdom and dynamic power
To reason well and give us righteous laws.
If such there be, he's worth his weight in gold,
Like Moses and our Washington of old.
We've won the war but almost lost the peace;
Our troubles do not lessen, but increase.

Last hope of earth to mankind now is given,
Live here in peace, then find a home in heaven.
Let Love, not Hate, be ruling passion of our lives,
While earth endures and heaven still survives.
Bikini of the Marshall's far away,
May teach us something on a summer day.
We offer now the olive branch of Peace,
Atomic Bombs that world-wide wars may cease!

President Wingo reported that there were eleven former presidents of the State Bar at the Past Presidents' Breakfast. He then presented Mr. S. E. Travis, of Hattiesburg, a Past President, commenting that Mr. Travis had been a member of the State Bar for 41 years and had never missed an annual meeting, except on one occasion when opposing counsel refused to continue a case during Bar Convention.

The report of the American Bar Association Committee was presented by the Chairman, Mr. Hubert Lipscomb, of Jackson.

REPORT OF AMERICAN BAR ASSOCIATION COMMITTEE

The principal thing I should like to do at this time is to mention some of the accomplishments of the American Bar Association during the past few years. One of those accomplishments was the Administrative Procedure Act. I was very much interested yesterday in Mr. Kelly's report concerning the abuses of the Administrative Processes in Mississippi. I heartily agree with what he had to say. However, I should like to point out that these problems have been remedied to a large extent so far as the Federal Government is concerned. Fourteen years ago the American Bar Association started a fight for the passage of an Administrative Procedure Act, providing for review by the courts of the decisions and actions of the various federal administrative bodies. Two weeks ago the President of the United States signed a bill providing for such review, and curing these abuses. Now, if we can cure them in the State administrative bodies along the lines recommended by Mr. Kelly, I think we are going to be in a much better situation.

Another thing that the Bar Association is proud of, is that the Secretary of War has requested that the President of the American Bar Association appoint a committee to review the whole set-up of courts martial in order to suggest improvements and changes in them. That committee has been appointed and is now functioning under the Chairmanship of Mr. Arthur Vanderbilt of Newark, N. J.

Another thing the Association is proud of is the request of the President of the United States that they participate in the United Nations' Conference at San Francisco. The President and House of Delegates of the Association were in attendance throughout that Conference as Consultants, and their services were available to any dele-

gation or the Conference as a whole on any question of international law.

Now the President has issued an invitation to the President of the American Bar Association and Chairman Gregory of the House of Delegates to go to Nuremberg and observe the war trials taking place there.

Another outstanding achievement of the Association has been the work of the Special Committee on the Economic Condition of the Bar. Of course, you gentlemen are not much interested in that, but in some of the larger metropolitan areas, that work has been vitally needed.

Another achievement of the Association has been the functioning of a committee to re-establish returning veterans in the practice. From our observation of our own returning veterans though, we did not need anybody to help them get re-established in the practice, but that has been on a nation-wide scale. Refresher courses have been offered to them without charge, lectures made by outstanding attorneys on subjects of current interest, and bringing the veterans up to date on legal developments during their absence.

There has been a special committee appointed by the Association to report as to the proposals of the organizations of the nation for peace and law. In other words, they are proceeding on the theory that if the national Bill of Rights is good for the nation, then an international Bill of Rights is good for the world.

It would take too long to give you a full review of the accomplishments of the Association within the past year or so. I am going to close by just giving you some figures on the membership in the Association, of Mississippi lawyers. As of June 30, 1941—that date is taken because the fiscal year of the Association is from July 1st to June 30th—there were 195 lawyers in Mississippi that were members of the American Bar Association. As of April 30, 1946, there were 266 members. I am informed now by the headquarters office, that when all pending applications are approved, that there will be 340 Mississippi lawyers that are members of the American Bar Association. Roughly, that is about 22½% of the total membership of the Mississippi State Bar. I understand there are fifteen hundred and five active members of the Mississippi State Bar, and with 340 members of the American Bar Association, that is about 22½%, which is a much better record than many states, but not as good as some of them.

The fiscal year begins on July 1st and the mid-year meeting of the House of Delegates convenes Monday, Tuesday and Wednesday, in Chicago. I don't know of anything I would rather do than take with me the applications of some of you gentlemen for membership in the Association. The annual dues for those that have been practicing less than five years is $4.00, and those practicing more than five years is

$8.00. I hate to solicit "customers" at a meeting like this, but I am going to leave some application blanks here on the table, and if any of you gentlemen would like to sign them, I will be glad to sponsor the application and get the other two members of the Committee to lend you the dues.

The report of the Resolutions Committee was presented by the Chairman, Chancellor Lester Clark, of Hattiesburg. At the request of Chancellor Clark, Judge E. H. Green, of Cleveland, presented the following resolution in memory of Robert N. Somerville.

RESOLUTION IN MEMORY OF ROBERT N. SOMERVILLE

WHEREAS, Almighty God in his wisdom has seen fit to call from his earthly labors Hon. Robert N. Somerville, of Cleveland, Mississippi, while in attendance at this convention, for many years an outstanding and prominent member of the Mississippi Bar and the American Bar Association; and, whereas in the untimely passing of Hon. Robert Somerville, the Mississippi State Bar Association has sustained a distinct loss, and

WHEREAS, the Hon. Robert Somerville had been a true lawyer and faithful member of the profession, which he honored for so many years,

THEREFORE, BE IT RESOLVED that the Mississippi Bar Association in session at this time hereby conveys to the members of the family of Hon. Robert Somerville its sympathy and regrets, and

BE IT FURTHER RESOLVED that a copy of these resolutions be spread upon the minutes of the Mississippi Bar Association and copies sent to the press, and a copy furnished to the family of this distinguished Mississippian.

The resolution was adopted unanimously.

Chancellor Clark then presented the following resolutions: Resolution expressing appreciation to Hon. Earle L. Wingo, retiring President, and to the other officers and committees of the Mississippi State Bar, for their labor and personal sacrifices in carrying on a successful and progressive administration during the past year; Resolution expressing appreciation to the Press of Mississippi and to all other newspapers who contributed generously of their space in carrying news stories preceding and during the convention, thereby contributing to the success of the convention; Resolutions expressing appreciation to the Hinds County Bar, to Mayor Leland Speed and other officials of the City of Jackson, and to the Heidelberg Hotel and other hotels in Jackson, for their hospitality. All of the above resolutions were adopted unanimously.

Chancellor Clark then presented the following resolution:

IN MEMORIAM

WHEREAS, we, the members of the Mississippi State Bar Association, are keenly aware of the great contribution the younger members of our bar have made in prosecuting World War II to a victorious conclusion, and

WHEREAS, in winning this war and securing the heritage of our fathers for our posterity, we have lost in the service of their country nine of our younger members of the Bar who made the supreme sacrifice, and

WHEREAS, we the members of this Association, desire to memorialize these patriotic sons of Mississippi and to inscribe their names upon the perpetual records of our Association, and to express to their families our grief and sorrow in the great loss sustained;

THEREFORE, BE IT RESOLVED, that we do now memorialize and inscribe the names of the following members of our Bar who made the supreme sacrifice in winning this war upon the perpetual records of our Association.

Frank L. Hawkins, Vaiden
Louis M. Jiggitts, Jackson
George R. Neblett, Shelby
Prentiss Newman, Jackson
William Payne, Greenville
Robert Lafoy Pullen, Aberdeen
George Burt Robertson, Jackson
A. J. Von Bloombergh, Jackson
E. W. Wiltshire, Magnolia

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes of our Association, a copy furnished the loved ones of the above deceased members, and a copy furnished the press.

Lester Clark
G. B. Keaton
Jo Drake Arrington
Resolutions Committee

The resolution was adopted unanimously.

Chancellor Clark then presented informally a resolution which had been turned in after the Resolutions Committee meeting, providing that the Presidency of the State Bar should alternate among the three Supreme Court Districts. Mr. Jim Cunningham, of Booneville, moved that the resolution be amended to provide that every member in good standing be eligible to vote, either absentee or in person. After considerable discussion, predominantly opposed to both

the resolution and the amendment, Mr. Cunningham withdrew his amendment and, on motion of Mr. Bidwell Adam, of Gulfport, the resolution was tabled.

Chancellor Clark then presented the following resolution:

RESOLUTION

WHEREAS, the Mississippi State Bar Act, creating the unified State Bar Association, provides that all practicing attorneys of Mississippi shall automatically belong to the State Bar Association, and shall be required to pay annual dues in the amount of $5.00 each, and

WHEREAS, some of the senior members of our Bar have become inactive in the practice and have retired, but whose love for the association continues and they desire to remain members in good standing of this association the remainder of their natural lives, and

WHEREAS, they have been pioneers in carrying on the work of the State Bar Association and have made their full contribution to the profession and to their community, and

WHEREAS, we, the members of the Mississippi State Bar, in regular annual convention assembled, believe that the Mississippi Legislature should so amend the Mississippi State Bar Act so as to provide that when a member of the Bar in Mississippi reaches the age of 65, shall at his or her option be exempted from the payment of the State Bar dues,

BE IT THEREFORE RESOLVED, that this association do now resolve and recommend to the Mississippi Legislature that the said State Bar Act be amended at the next regular session as herein stated.

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the Minutes of our association and a copy furnished the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and a copy furnished the press.

Lester Clark
G. B. Keaton
Jo Drake Arrington
Resolutions Committee

Chancellor Clark then made the following remarks in support of the resolution:

CHANCELLOR CLARK: I would like to make this word of comment on that resolution. Inasmuch as some of our older lawyers have become inactive and are no longer earning any livelihood from their practice, at the same time they want to die and be buried as members in good standing of the Association. Under the set-up as it now is, when they become delinquent, they are put on the delinquent list, and these old lawyers who have honored our Association through the years, instead

of being in good standing, are shown as delinquent, even though they may have retired from the practice sometime ago. We do not think this would affect a large number of lawyers in our State, because many lawyers have passed that age and are still very active, and would not, of course, elect to come under that exemption, and would desire to continue paying their dues. So for that reason and others, we submit that to you.

The resolution was adopted.

Chancellor Clark, on behalf of the Resolutions Committee, moved that the incoming President should appoint a Memorial Committee whose duty it would be to secure appropriate resolutions on deceased members, from the various County Bar Associations, before the convention each year; that these resolutions should be presented at the annual convention and included in the record of the proceedings; and that the same committee should have charge of the annual memorial services at the opening of the Supreme Court. The motion passed. In a subsequent discussion it was pointed out by Mr. Stokes Robertson that the resulting resolutions would be neither uniform nor complete and would seriously overburden the Law Journal. Mrs. Zelma Price, of Greenville, made a motion that instead of separate resolutions, the Memorial Committee referred to above should prepare a general resolution including the names of all members deceased during the year, and that this general resolution should be included in the proceedings. The motion passed.

Mr. Earle L. Wingo, the retiring President, was unanimously elected delegate to the meeting of the American Bar Association; Mr. Grayson B. Keaton, of Picayune, was chosen alternate.

Mr. Bidwell Adam, of Gulfport, extended an invitation to the convention to come to the Gulf Coast for the next annual convention, and made a motion that the 1947 convention should be held at Biloxi. The motion passed unanimously.

President Wingo introduced Mr. J. H. Woodward, Manager of the Heidelberg Hotel, and expressed the appreciation of the convention for Mr. Woodward's aid as host to the convention.

The meeting was then adjourned.

PROCEEDINGS OF THE TENTH ANNUAL MEETING OF THE

Junior Bar Section

Held in the City of Jackson, Mississippi, on the 27th of June, 1946

The meeting was called to order by the Chairman, Mr. John W. Wade, who commented on the large size of the meeting, and welcomed the returned members. The Chairman then called for the report of the Legislative Committee, Mr. Stokes V. Robertson, Jr., of Jackson, Chairman. The report follows:

REPORT OF LEGISLATIVE COMMITTEE

The regular 1946 session of the Mississippi Legislature was approximately one-half over when this committee was appointed on February 15, 1946, and adopting the suggestion made by the Chairman of the Junior Bar Section that we concentrate on a few changes rather than all that had been recommended by Code Committees in recent years, the Committee selected four of the recommended changes and worked on these.

It was thought best, since the Session was far along, to prepare bills to be introduced simultaneously in both the House and Senate so that they might be considered by committees of the respective branches of the Legislature at the same time. Bills were, therefore, prepared on the following changes:

1. A bill to provide that the judgment roll in the Circuit Clerk's office show not only the date of enrollment of each judgment but also the hour and minute of enrollment.

2. A bill to provide for the making of final records in terminated suits in Chancery and County courts where the parties concerned will pay the recording fees. This bill covered cases not already provided for, such as the removal of disabilities of minority.

3. A bill to clarify the procedure and grounds for securing an annulment or divorce in Mississippi. As the law now reads, there is no separate procedure for annulment in Mississippi and the grounds for both annulment and divorce are lumped together in one section. The Committee, therefore, felt that changes recommended by the Code Committee in this field of law were badly needed.

4. A bill to clarify the statutes with reference to revocation of wills and provisions for after-born children.

We secured the enactment into law of the changes recommended in the enrollment of judgments and in the making of final records in certain terminated suits in Chancery and County Courts.

Unfortunately, however, the bills embodying changes in the law with reference to annulment and divorce and the law with reference to revocation of wills and provisions for after-born children, after successfully passing the Senate and being approved by the House Judiciary Committee, died on the House Calendar when it adjourned April 5th.

It is recommended that, if possible, the Legislative Committee be appointed before the next regular session of the Mississippi Legislature begins and that the Legislative Committee and the Code Committee meet jointly to decide which recommendations of the Code Committee are most important and which should be pushed before the Legislature. When it has been decided what recommendations will be embodied in bills and presented to the Legislature, then the Legislative Committee should meet again and each bill should be assigned to a particular Committee member for study. The Committee member who has studied this bill should personally appear before the House and Senate Judiciary Committees when the bill has reached these Committees and fully explain the bill to these two Committees.

This recommendation is made because we found a tendency on the part of some of the older members of the two Judiciary Committees to leave the laws as they were and to prejudge the recommended changes before they had been fully considered. Each bill, when it comes up in Committee, therefore, should have a champion who can quickly answer all questions with reference to the proposed changes.

We feel that the Legislative Committee, working closely with the Code Revision Committee and carefully organizing its work, can secure much needed changes in the laws of the State.

Respectfully submitted,

Stokes V. Robertson, Jr., Chairman
L. B. Porter
James P. Biedenharn
John E. Aldridge
Paul Farr
Scott Thompson

On motion of Mr. L. A. Wyatt, of Jackson, the report was adopted. Mr. Robertson then commented on the need for securing aid of older members of the Bar in passage of bills, and made a motion that it be recommended to the State Bar that a regular Legislative Committee of the State Bar be appointed to work in conjunction with the Junior Bar Section Legislative Committee. The motion passed.

The Chairman then called for the report of the Committee on Unauthorized Practice of Law, Mr. Arlington Jones, of Hattiesburg, Chairman. The report follows:

REPORT OF COMMITTEE ON UNAUTHORIZED PRACTICE OF LAW

The Chairman of the Junior Bar Section appointed W. Arlington Jones, Emmett P. Allen, W. H. Barbour, William H. Braden, Jr., Norman C. Brewer, Ben M. Caldwell, James Finch, Jacob D. Guice, Richard G. Lord, Jr., Porter W. Peteet, Dick R. Thomas, Everette G. Truly, Jr., and Richard L. Watson, to serve on this committee for the period of 1945-46.

Our committee was a little late in getting started, but we have done a considerable amount of work. This is the second year the Junior Bar has had an Unauthorized Practice of Law Committee. It was the opinion of Chairman Wade at the time the present committee was appointed, that there should be a rather large committee in order to carry out the work of this committee throughout the entire state.

There has been much improvement in the conditions which existed at the last Junior Bar meeting. We are definitely of the opinion that the work of this committee should be continued for another year and that some plan be made to institute an educational program and public relations program to sell the public on the advantages of employing legal assistance in the handling of matters of a legal nature.

Without criticizing any particular individual or organization, it is the general opinion of our committee that there is greater need for closer cooperation and an educational program with public officials, real estate men, banks and bankers, notary publics, justices of the peace, and many others, to sell them on the value and use of lawyers and solicit their cooperation in referring all matters of a legal nature to lawyers.

Our investigation further shows that there are many kinds of printed legal forms printed at the expense of the various counties in the state; and that these legal forms can be obtained by any person for use. We think that the counties should not furnish printed legal forms to the general public, as lawyers are the only persons qualified and competent to correctly use such forms. There are many void land descriptions in the state because of deeds being prepared by incompetent parties in the use of deed forms and inserting improper descriptions. In general, the Land Deed Records are not in the condition they should be because of many errors committed in the preparation of instruments by incompetent parties who are not authorized to practice law. We highly criticize many public officials for the policy of believing that they must help their constituents whenever called upon by assisting in the preparation of legal instruments, especially in using printed forms, bills of sales and mortgages. We think the person who is attorney for the board of supervisors should recommend to the board to only authorize the printing of legal forms for use by the various courts, other public tribunals and for the lawyers. We further criticize the Federal Government for permitting, in many instances, certain Federal employees who are not lawyers, to handle matters of a legal nature for

the government within Mississippi. Many justices of the peace and notary publics handle various items of legal matters, including the writing of deeds, mortgages, bills of sale, contracts and other legal instruments.

We do not think, in connection with the above criticism, that these parties are intentionally violating the law with reference to unauthorized practice of law. We further believe the solution to the unauthorized practice of law is an educational program by the entire Bar in order to keep the lawyers and the legal profession in a high category. However, there will be a few cases of unauthorized practice of law that will require prosecution.

We recommend that a new committee, as large or larger than the present committee, be appointed to serve another year.

We are of the opinion that all matters in connection with the enforcement of the law as to unauthorized practice of law should be handled by the Attorney General's office in cooperation with the Secretary of the State Bar; and that an educational program should be immediately instituted with proper funds with which to write letters to various individuals and firms throughout the state, soliciting their cooperation in further preventing infringement upon the legal profession by those who are incompetent and unauthorized to practice law. The State Bar should earmark a certain amount of money per year for such an educational program, which could be done by literature and otherwise.

Respectfully submitted,
W. Arlington Jones, Chairman

On motion of Mr. Louis Alford, of McComb, the report was adopted. Further remarks were made on the subject by Mr. Jones and Chairman Wade, as follows:

MR. JONES: I might state that at the morning session of the Executive Committee, we created quite a little noise down there in Parlor B. It was brought out that we had quite a variety of public officials in the state practicing law without license; in other words, unauthorized to practice law. It was brought out especially that in many of the counties the Chancery Clerks prepare all types of legal instruments. It was further brought out that the Chancery Clerks would like to have an opportunity of relieving themselves from the responsibility of helping their voters in the preparation of legal instruments. Of course that is not only the Chancery Clerks, but includes other elected public officials, clerks, notaries, justices of the peace, and a variety of others, including real estate men, bankers, insurance companies, and many other organizations and agencies.

CHAIRMAN WADE: Mr. Jones has indicated that this report drew considerable discussion at the Executive Committee meeting. Most of the suggestions that were made in the report were considered very suitable, and a few others were made in addition to the matter of having a prose-

cution by the Attorney General's office in case it became necessary. The thought was set forth that a letter from the Attorney General's office at regular intervals, directed to no particular individual but simply to the officers as such, might prove very effective.

Another suggestion was made to the effect that when the real estate agents, or insurance agents, or possibly the Chancery Clerks have their meetings, that this Committee might undertake to have some of their members present to indicate to those individuals what the law is in regard to their practicing law. It was the feeling that they were not intentionally violating the law, but that they did not know exactly what the law actually was.

These are suggestions which may be considered by the Committee next year.

The Chairman then called for the report of the Committee on Co-operation with Lawyers Returning from Service, George H. Butler, Jr., of Jackson, Chairman. The report follows:

REPORT OF COMMITTEE ON CO-OPERATION WITH LAWYERS RETURNING FROM SERVICE

The Committee has had one meeting at the University of Mississippi Law School.

The suggestion was made that it might be desirable to sponsor refresher courses for returning lawyer veterans. In order to secure an expression of opinion on the subject, a survey was conducted among all members of the Mississippi State Bar who had been or were in the armed services, according to the records of the Association.

The response to the survey was gratifying. A majority of those sending in replies were in favor of some sort of program of refresher training. A marked diversity of opinion existed concerning the location at which any such course should be held, the length thereof, and the subject matter to be covered.

Only a very small number indicated an intention or desire to attend or participate in refresher courses. In view of this fact, it was determined that the Junior Bar Section should not undertake to sponsor a program of refresher courses at this time.

After this determination was made, it was suggested that practical benefit to a great number might be obtained from the publication of an issue of the Mississippi Law Journal reviewing significant developments in Mississippi law during the war period. This plan was approved by the editorial board of the Journal, and it is contemplated that such an issue will be published in the fall of 1946.

The Committee desires to call the attention of all lawyer veterans to the educational and on-the-job training benefits of the Servicemen's Readjustment Act of 1944, as amended December 28, 1945. It is understood that a number of lawyers are taking advantage of this program. Full information pertaining thereto can be obtained from the Regional Office, U. S. Veterans' Administration, Jackson, Mississippi.

The Committee also desires to call the attention of all lawyer veterans to the correspondence courses available through the Practising Law Institute. The Practising Law Institute is a non-profit, educational institution conducting programs for practicing lawyers. The program is sponsored for veterans refresher training by the American Bar Association. The publications of the Institute are used as texts for correspondence courses. The courses are available to lawyer veterans under the G. I. Bill of Rights. In the opinion of the Committee there are many who would be interested in taking these courses because of the particular subjects which are covered. The subjects available are as follows: General Practice; Fundamentals of Federal Taxation; Trial Practice; and Current Problems in Federal Taxation.

Members who are interested in taking these courses may obtain full information including enrollment blanks and forms for application for benefits under the G. I. Bill of Rights, from the Correspondence Department, Practising Law Institute, 57 William Street, New York 5, N. Y.

Respectfully submitted,
George H. Butler, Jr., Chairman

On motion of Mr. Ray Stewart, of Picayune, the report was adopted. There followed a discussion of the problem of refresher training, in which Mr. Butler and Chairman Wade recommended the Practising Law Institute courses mentioned in the Committee report. Chairman Wade called attention to the fact that this Committee had in the past been called the Committee on Co-operation with Young Lawyers, and probably would be so in the future; that one of its functions should be to help place young lawyers just entering the practice.

The Chairman then called for the report of the Code Committee, Mr. William N. Ethridge, Jr., of Jackson, Chairman. The report follows:

REPORT OF CODE COMMITTEE

The Code Committee consists of Mr. David C. Welch, Tommy Minniece, George Butler, Jr., Jimmy Blalock, Lester Franklin, and William Ethridge, Jr., chairman.

Your Committee conceives that its function is to report on various inaccuracies, omissions and conflicts in the Code Law, and to make recommendations for their correction. The Committee does not conceive that

its function is to report on needed enactments of substantive or procedural law simply because such proposals would be wise legislation. The difficulty is to adhere to the dividing line between creative legislation and remedial legislation.

The Committee had a meeting at the beginning of the week, and at that time canvassed a number of statutory correctoins and amendments which the several members thought might be recommended to and be considered by the Bar. However, the Committee has only recently had an opportunity to survey its field of work. Moreover, the Legislature adjourned only two months ago, and if there is no special session, it will not meet again for two years. For these reasons, and because of the need for a detailed survey of suggestions and amendments from the entire membership of the Bar, the Committee has no specific recommendations to make concerning correction of any inaccuracies, omissions and conflicts in the Code Law.

But the Committee has certain recommendations to make respectfully to the new Administration with reference to the new Code Committee:

(1) It recommends that the Committee be continued under new appointments and membership, and with a more enlarged scope of action. Specifically, it would suggest that in creating the new Code Committee, the new Administration grant to the Code Committee the power to make recommendations both with reference to remedial and creative legislation, that is, substantive or procedural law. As a matter of practice, past committees have done this anyway, with proper apologies. It is suggested that as an administrative matter, the Code Committee might then be in the nature of a Study Committee and the Legislative Committee in the nature of a Public Relations Committee designed to present the facts and recommendations to the Legislature and to facilitate their passage. At this point, your Committee would like to compliment the present Legislative Committee for its excellent accomplishments at the last session of the Legislature.

(2) We would recommend that letters, mimeographed requests, etc., be sent out to every member of the Bar, requesting specific suggestions based on their practical experience concerning inaccuracies, omissions and conflicts in the Code, with the further request that each lawyer submit his own draft of the amendment designed to eliminate the observed error, omission or conflict.

Parenthetically, it is expected that this will be a fruitful source of information concerning the defects of the 1942 Code.

(3) When the Committee itself has agreed upon certain amendments and recommendations, the tentative drafts should be then submitted to the entire Bar for its criticisms and suggestions. This should be sufficiently in advance of the Legislative Session. By clearing knowledge and ideas through the Committee, and then, in more definite form, back through the membership of the Bar, it is probable that needed and widely supported

recommendations can then be facilitated through the work of your efficient Legislative Committee.

(4) It is recommended that your next Code Committee make a study of reports made in the past by previous Code Committees. These can be found in past issues of the Mississippi Law Journal. The study might reveal additional suggestions as to needed statutory changes.

With the above suggestions in mind, your Committee respectfully submits this its report.

William N. Ethridge, Jr., Chairman

On motion of Mr. Dan Shell, of Jackson, the report was adopted.

The Chairman then opened the floor for transaction of business. The problem of funds for the Junior Bar program was raised. Chairman Wade explained that prior to the war the budget of the State Bar carried an item of $200 for Junior Bar expenses, but that this had been discontinued because of the absence of most of the members of the Junior Bar Section. Mr. James Eaton, of Gulfport, moved that the Section adopt a resolution to the State Bar Commissioners, asking for an appropriation for the Junior Bar Section. After a discussion of the amount to be requested, the motion was amended so as to ask for $300. As so amended, the motion passed.

Mr. Shelton, of Jackson, announced that Mr. Dinsmore of the Veterans Administration had invited members of the Junior Bar Section to visit the Veterans Administration Offices at Foster General Hospital during the afternoon.

Mr. L. A. Wyatt, of Jackson, suggested the desirability of naming some person, to whom any lawyer could write when he came upon some inaccuracy or defect in the Code. After considerable discussion, a motion was adopted recommending that the new Chairman of the Junior Bar Section designate an individual to whom suggestions could be made concerning inefficiences, irregularities and omissions in the Code.

Following announcements, the meeting recessed.

EVENING SESSION, JUNE 27, 1946

The meeting was called to order by the Chairman, Mr. John W. Wade, who then presented the President of the State Bar, Mr. Earle L. Wingo, of Hattiesburg. Mr. Wingo spoke briefly to the Section. He expressed pride in the work of the Junior Bar, and offered the full co-operation of the Senior Bar, adding by way of comment that the Bar Commissioners had a few minutes before approved the request of the Junior Bar Section for an appropriation of $300.

Chairman Wade then presented Mr. Hugh N. Clayton, of New Albany, the first Chairman of the Junior Bar Section. Mr. Clayton's address follows:

THE JUNIOR BAR—PAST AND FUTURE

HUGH N. CLAYTON

I would like to talk to you tonight about "The Junior Bar—Past and Future." Tonight marks the tenth anniversary of the Junior Bar. It was established in Greenville in 1936. The father of the idea of a Junior Bar in Mississippi was that great benefactor of the legal profession, none other than the beloved T. C. Kimbrough, the late Dean of the Ole Miss Law School. In the early part of 1936, Judge wrote me and asked that I come to the University. I went over there, and it was at that time that he unfolded his idea of a Junior Bar in the State.

At his suggestion, I contacted certain other lawyers who were about the same age as I, and we arranged for about seven or eight of us to meet in a hotel room in Greenville during the program of the Mississippi State Bar. We met there, Judge Kimbrough attended the meeting, and we agreed to a rough draft of a resolution to be adopted by the State Bar, which would establish the Junior Bar Section. If anyone of you has read the 1932 Act which established the State Bar, you will see that the State Bar is a creature of the Legislature, and of course, we could not ingraft anything on it. We had to build the Junior Bar Section out of it. Consequently, from a technical standpoint, the Junior Bar Section is a committee, a standing committee of the State Bar, denominated the Junior Bar Section of it. It enjoys autonomy, and is allowed to proceed as it wills.

The resolution was prepared. Lem Smith and I wrote it in the lobby of the Greenville Hotel one morning with these two fingers, and we had to hurry because the typewriter belonging to the committee was needed. We arranged for Major Calvin Wells to introduce the resolution. It was felt, from a standpoint of strategy, it would be better if the resolution came from an older member of the Bar; and then those of us who had been working on the project would assume the responsibility of defending it and prosecuting it to a successful conclusion on the floor of the convention. It was introduced by Major Wells. He moved its adoption, and it was seconded. Then the fun started.

Quite a few of the older lawyers were opposed to the idea. Some of them were opposed to it because they felt it would tend to destroy the participation of the younger lawyers in the State Bar. I remember very well two very able lawyers, who subsequently became presidents of the State Bar, were opposed to it and so remarked on the floor of the convention. However, we had our speakers arranged so we were in a position to defend it successfully, and it was adopted, and then the Junior Bar Section as a standing committee of the Mississippi State Bar came into being.

I would like to pay, at this time, my respects to Judge Kimbrough as the father of the Junior Bar Section in Mississippi, and I know that each one of us here, as most of us are former members of the Ole Miss Law School will lament his passing and realize it will be a long time, if ever,

before any other personality will affect and enhance the legal profession in this State as much as he.

I think you would be interested in knowing what men have served as Chairman of the Junior Bar since its inception. I was the first chairman, for the year 1936-37; Jesse H. Graham, of Meridian, 1937-38; John C. Satterfield, of Jackson, 1938-39; Charles A. Sisson, of Clarksdale, 1939-40; George M. Ethridge, of Meridian, 1940-41; John Morgan Stevens, Jr., of Jackson, 1941-42; Frank E. Everett, Jr., of Vicksburg, 1942-43; Richard E. Stratton, III, of Brookhaven, 1943-44; Paul Farr, of Prentiss, who entered the service leaving the Vice-Chairman, James T. Kendall, of Jackson, to serve the remainder of 1944-45; John W. Wade, of Oxford, 1945-46.

You will notice in the list of names, I read the name of Charles A. Sisson of Clarksdale. I hope this Section will pass appropriate resolution on account of Charles. He was one of the finest fellows we ever had in the State. He was an able lawyer, an outstanding gentleman, a patriotic Naval Officer. I trust that before you recess, or if you don't have time tonight, your Chairman will select a committee to draft appropriate resolutions because Charles has passed away, as some of you know, about three weeks ago in his office at Clarksdale, right after he returned from a Lions luncheon.

That, in brief, is the history of the formation of the Junior Bar Section.

I would like to recite some accomplishments of the Junior Bar, you might say, in the five years it had from 1936 to 1941 of pre-war activity. I mean by that the time when it was not hampered by the loss of personnel due to the war. I understand, from some of the chairmen who served after 1942, that this is the first convention you have had since 1941; that the Junior Bar almost stopped functioning because the potential membership of it was in the service.

One thing the Junior Bar did was to create and merit the confidence of the State Bar. I see Mrs. Alice Nevels is in the room here this evening. She served during that time as the Secretary-Treasurer of the State Bar, and I know she would say, as the older lawyers would say, that the Junior Bar supplied the spark, and also for the most part, the program that was the program of the State Bar. It got so that the Junior Bar would adopt its program on the afternoon and evening preceding the Mississippi State Bar, the Chairman would report that program the following morning with recommendations, and the State Bar would approve it wholeheartedly and adopt it as its program. So the Junior Bar has enjoyed and does now enjoy the confidence and respect of the State Bar. And as a sage of thirty-eight summers, and a graduate of the Junior Bar, by virtue of four or five years' absence, I can say as one of the older lawyers, my young friends, you, young promising attorneys, that we the older brethren of the State Bar, do recognize that you warrant the confidence of the State Bar.

Specifically, the Junior Bar did a tremendous amount of work as far as proposing legislation, assisting in the drafting of legislative acts by the local Jackson lawyers, who were members of the Junior Bar, and in sponsoring legislation. Whether you like it or not, the Junior Bar to a large degree is responsible for the 1942 Code. I find I have to finger around quite a little bit to find out which volume I want, but I think we all recognize it is a work we needed, and as we become familiar with it, it will become a much better instrument of service than the two volume 1930 Code.

Another thing the Junior Bar originated was having the practicing attorneys in the Junior Bar to contact the Senior Class of the Ole Miss Law School and the Law School here in Jackson, and assist the graduating lawyers in trying to determine where they would locate. I happen to have been on one of those committees named and visited the University. Of course, we all remember quite vividly how we wondered where we were going and what we were going to do unless we had some connection established when we went into Law School. We found that that was a service that was very beneficial. It was welcomed by the Senior Class of the Law Schools, and I trust that the Section will renew that service because it is very largely needed and will be more so as time goes by.

Another thing, as far as I know, there was no politicing among the members to elect a certain person chairman because of any local connections or any local reasons. If you look at the list of the men who served as Chairmen of the Junior Bar after it was started, you will find that practically every one of them had rendered service in the Junior Bar; was familiar with its workings. My friends, I commend to you the continuation of that policy if this organization is to be the spark, if it is to supply the impetus which will keep the Bar progressing in Mississippi. It must have a man at its head who is able and interested, a man who can envision the opportunity of service which he has as Chairman of the Junior Bar. I do hope and trust that this Junior Bar will continue to be diligent in selecting your chairman from men who have worked in the Junior Bar, who are familiar with its program and the mechanics of its operation, and so that it will continue to merit this confidence that it has.

And that, in brief, is a little bit of the history and accomplishments of the Junior Bar. I trust that is a fair representation of the facts.

We now proceed to the future. Ever since I can remember, I have always heard older people get up in front of a group of which I was a member and talk about the day of opportunity and the need for leadership. I think most of us in this body here tonight are ex-service personnel, and we are very keenly aware of the crying and acute need of leadership, not only in local and legal circles of Mississippi, but in national and international affairs.

If there ever was a time when we need intelligent, earnest, sincere leadership, it is now, and we have it as far as the Junior Bar and the State Bar is concerned. We have it and enough of it in the Junior Bar.

I read something of interest the other day in a magazine from the article, "Where Our Leaders Come From", by the Professor of Geography, Yale University, Ellsworth Huntington. He examined three books: *Who's Who in America, American Men of Science* and *Poor's Register of Directors of Corporations,* to determine where the 85,000 people listed in these three volumes originated, and he found they came from certain regions; the most part, New England supplied. Connecticut is America's No. 1 State, with 418 leaders derived from every 100,000 white children born there. It has been producing ten times as many leaders proportionately as our least productive state, New Mexico. After Connecticut come Massachusetts, Rhode Island, New Hampshire, Maine and Vermont. Those states together with Montana, Wyoming, Colorado, California and Nevada show from two hundred and twenty to four hundred and twenty per 100,000. The southeastern states of our nation, of which our state is a part, supplied the lowest number per hundred thousand, forty to one hundred fifteen per one hundred thousand.

We know from our experiences in the Service that men from the South can carry the load that is put upon them. Everyone of us has served alongside men from New England, the West Coast, the Mid-west and Southwest, and I think the time has come for us to be about this proposition of leadership. The time has come for us to exercise and use these natural capacities and abilities which we have. You put in the Service a boy from the South, a boy from New England, a boy from the Midwest, and a boy from the West, put them together, and you won't find any difference between them due to any point of origin. I saw men from the South do just as good a job, and sometimes a better job in the Navy than men from other regions. So I say to you that the time has come for us to be about the proposition of leadership.

I have four specific propositions to submit to you as possible challenges. One idea I couldn't attempt until I attended a rally forty-eight hours ago. I was in New York City, and at the time I happened to be waiting to see Bob Farley's sister, who works for Metropolitan Life Insurance Company at 23rd and Madison. She was delayed a little in getting away. I heard this loud speaker going out there, saw all these cops, and observed quite a few undernourished individuals a little on the crummy, mealy side, a little filthy and dirty, whose theories do not include periodic ablutions, passing out free literature. One of the circulars they gave was this one here, shows a swastika checked through, says "Check discrimination on the Job, Rally Fifth Anniversary of FEPC on Tuesday, June 25th, East Madison Square Park, 4:30 P. M." sponsored by the New York Council for a permanent FEPC.

While I was there, I was regaled with comments from the President of the Pullman Porters' Association, the gentleman who works for the Commission in New York against Racial Discrimination, and quite a few other prominent members of the Negro race. I happened to talk to an Irish cop, who was one of the many standing guard around there. They had about a hundred people, and I asked him what he thought about it.

He said, "It is the same bunch. I am stationed regularly down in Greenwich Village. We have these demonstrations daily there. They are either against Truman or for OPA, or they are always for or against some particular proposition. You see this boy passing out those circulars? The same ones work for each rally. I can spot them. They got a few kids out of high school." Naturally, I was interested in getting that comment from the policeman because he had no Southern background. The danger, as far as I could ascertain as far as the racial proposition on the Island of Manhattan, is no longer in Harlem alone. I talked to a saleslady during the afternoon on some shopping intervals with my spouse, and remarked about this white man and "Negro lady", who were shopping together. I had seen them come in the store, go up the elevator to the second floor where children's apparel was being sold, and we went up there also, because we have some children that sometimes need apparel. They were shopping together, talking about the size of the garments, etc., and I asked this lady if that was a rare matter. She said it was up until this Council on Racial Discrimination was established in the State. "We didn't have any working in the department stores but," she said, "you see now we have them operating elevators. They are beginning to encroach and before long," she stated, "I expect they will be behind the counter with us."

What I have to say is not connected with politics and has no relation whatever to the campaign now in progress in the State, but we all know that the problem of race relations in Mississippi is one that calls for the very best thoughts in us to decide upon some solution or some manner of settlement of it that will permit us to live together and maintain a society which is law-abiding, and at the same time, is satisfactory to us as being consistent with our Southern traditions.

We all know that the Negro soldier in Mississippi has been upon the mountain and has seen the promised land. He has been in foreign countries, in some of which countries we understand and are informed he had the companionship of white women. We know he feels he is entitled to more education and a better position in the economic world than he enjoys now, and we know that he is beginning to feel his strength politically. You know, and I know, you can go to any community in Mississippi, and you will find in the leadership of that community, the lawyers. So it behooves all of us to give very definite consideration to what should be the treatment of the Negro in Mississippi.

We are familiar, if the layman is not, with the power and authority of the Federal Government as determined by the Supreme Court, and with the Fourteenth Amendment and how they plan to use it. I find that it is a good idea to take some Negro periodicals and magazines to see what they say. I don't know whether any of you are familiar with this magazine, "Ebony" or not. It originated in October of last year. You might say it is the Negro "Life". This was the first issue I purchased in Jackson. I could not find one in New Orleans. They were all sold out. It deals with the supposed happy side of Negro life. The front picture shows white and Negro children in a room, in this particular instance, playing together.

Some other pictures in the leading article show the children playing together in New England, as a result of this crusade of a New England pastor to have the Negro children visit them in Vermont and go back and visit the Negroes in Harlem on the theory that the more we know each other, the better we love.

Then another big leading article is on Rochester, Jack Benny's valet; how he lives, how sumptious his home is in Los Angeles. Then the question and proposition of "Catholics and Color". I don't want to be misunderstood. What I have to say is not intended expressly or by implication to reflect in any way on the Roman Catholic Church. What I am talking about is the propagandizing that goes on in this periodical. They go on to say that the Catholics, Jews and Negroes are all minorities who are discriminated against. They are trying to unite themselves on the same side as the Roman Catholics. In this particular article, they deal with the St. Augustine Mission in Bay St. Louis, and the Catholic Priests which it is producing for the Catholic Ministry. On this question one of the articles interests us as far as Mississippians are concerned, "Black Boy in Brooklyn", Richard Wright, who got his high school diploma in Jackson. Wright married a white lady, and there is a picture of his daughter by this marriage and quite a few things said in the article.

I will read from one or two. "Today the ex-Communist (once he worked in the Harlem Bureau of the Daily Worker) and ex-WPA employee is a long way from the youthful nightmare of starvation in Mississippi. His diet of mush and gravy for breakfast and greens in lard for supper is forgotten. His intense hate for whites is a thing of the past. In a six-room Brooklyn apartment where he lives and works, he is eating as much as ration points will buy. He finds life with his attractive white wife, Ellen, and their three-year-old pretty brownskin daughter, Julia, very much worth living. He keeps out of the publicity spotlight, even has a private telephone number that is very much sought after in literary circles. White people are just moving from the Brooklyn street on which he lives. His home is diagonally opposite the mortuary of one of the city's best advertised white undertakers. 'Many of my neighbors are dead', Wright likes to repeat. Other neighbors, especially those in his building, are very much aware of his presence. Last year a strike he organized brought the rents of the tenants down to OPA levels saving the tenants $10,000 a year."

I can't read all of this to you, but here is an article on "Miss" Hazel Scott, who secured considerable national notoriety vs. the DAR, and it takes up a good portion of the magazine.

My friends, this magazine is receiving a wide circulation in Mississippi. It is being read by Negroes all over the State. It advocates, among other things, marriage between the races. This is some of the poison which Mississippi Negroes are receiving from the East.

You may remember before the war when you had the family wash brought back to you in a wicker basket, those of you who didn't live in

metropolitan areas, you have, every once in a while, taken clothes from the basket and would see a Negro paper in the bottom of it. I have been buying some. I hold in my hand the "Pittsburgh Courier", which is one of the most rabid of Negro papers. They print six or seven editions, one for this region, one for Philadelphia, one for New York. This is typical. I have circled two or three articles, "Texas, Louisiana Law Schools Face Suits for Ban on Negroes." Some of these days Ole Miss will be the next. "Judge Upholds Race Covenant." That is where Negroes moved into a section previously restricted. "For FEPC, District of Columbia March Approved." That is where they are going to march on Washington. They talked about that a few days ago. "Georgia Congresswoman Promises 'Fair Deal." That is a lady in Georgia they claim was elected by Negro votes. "Florida Welcomes Baseball Players. Daytona Beach, Florida.— No one objects to Jackie Robinson and Johnny Wright training here with the Montreal baseball club," and goes on to tell about two Negroes being welcomed at Daytona Beach. Then an article about the Army stopping segregation of the races. Then an article about Columbia, Tennessee, and about Walter White, National Secretary of the NAACP, who told the government what it had to do as far as the Negro was concerned.

My friends, I don't know what the solution is. Maybe some of you do, but as lawyers, as intelligent young men and women, as men and women who occupy positions of responsibility and leadership in your communities, the time has come for us to think seriously about this business. I don't believe that adopting an attitude of antagonism will solve the problem.

As far as my home town is concerned, we have a happy situation. We live and let live, and I believe that may be the solution. I don't say it is. About three years ago, the Negro high school burned down. All the luncheon clubs, all the organizations in town have requested the Board of Trustees to construct and build an adequate school for the Negroes, one for the future, and that is what the Board of Trustees is in the process of doing. In all of the Red Cross Campaigns in that County, I am informed, and I know it was true last year, the Negroes raised their quota, and they had the same percentage every year and this year, and they have always raised it before the whites raised theirs. This year they raised their quota and deposited it in the bank the first day of the drive, and it took us three weeks to complete the drive as far as the white people were concerned. We have what we believe is a happy situation. Of course, it is a situation that can be overturned at any time because we all recognize that we do have an element of fear which is in the back of all of our minds when we discuss the racial proposition. But I say to you, the time has come when we must give very, very serious thought as to how we can solve this problem and have these two races live together and in a society which we believe still consistent and true to the one we have inherited from our forefathers.

Another proposition I submit to you gentlemen is the matter of raising the educational standards for admission to the Bar, which is like Mark

Twain's remark about the weather, "We all talk about it, but nobody does anything about it." You can talk to any professors from the Law School down here at the Convention, and they will tell you a couple of years from now we will just have more young lawyers in Mississippi than we can shake a stick at because the Law School is full of them. I had a letter from one of the professors up there about the situation. I had written for some comments about this. He says, "There's going to be a tremendous influx into the bar in the next five to ten years. Overcrowding of the bar throughout the whole country is going to be a very serious problem. If we ever have any idea in this State of putting any limitations on admission to the Bar, now is the time to do it. This economic argument may convince some of the lawyers who have been most vehement against higher standards for admission. Offhand, I don't have exact figures which I can cite you. The Law School this summer is going to be much larger than it ever has been. Next September it will be very greatly increased over that. And September a year from then it's simply impossible to make an estimate. You see, an extremely large number of people want to be professional men—and with the Government paying for the education, a high percentage of G. I.'s are taking Law."

I think we are all aware that when a man comes back from the service and has the opportunity of receiving a higher education from the Government, he wants to aim as high as he can. That is laudable. We also realize a lot of these men and women are not qualified and competent. We have that problem with which to deal.

I saw that movie where John Hodiak went into a hotel and there was no bellboy, and the clerk says, "All of our bellboys are out of the service, but they have not given up the idea they are supposed to be bank presidents yet." So I think that is fairly characteristic. But the time has come, it would seem to me, for several reasons, as outlined in this letter, for us to raise the educational requirements for admission to the Bar in Mississippi.

Some several years back, Dr. A. B. Butts read a paper to the State Bar, and he showed how you could be an embalmer, and maybe a veterinarian, and engage in quite a few other professions in the state, and you had to have considerably more education than you did to be a lawyer. In other words, the requirements to engage in some of the other professions which we don't regard as highly as the law—we lawyers don't regard that high—require more educational qualifications than we do. The Abraham Lincoln proposition about the poor boy and the education certainly should be passé, with ex-servicemen who want to be lawyers being subsidized by the Government.

If we want to have a Bar of trained lawyers in Mississippi, without men who have to rely on ambulancing, who will be fee-cutters and who will resort to other means than proper to win lawsuits or get lawsuits, the time has come for us to think about raising the requirements a little bit higher. I believe most of us in this room agree that the time has come for

us to do it, and we will have to create the sentiment, form and mold the opinion and then try to make the assault on the Legislature.

The next thing which I think most important of the three I would suggest to you is the matter of improving our legal procedure. We know if we go to a doctor, if one of our children needs a shot of penicillium or some sulfa drugs, most any doctor in Mississippi is qualified to administer it, because the doctors for the most part keep up with all the advances of science and medicine. The engineers who construct our highways, the engineers who supervise the digging of oil wells, architects who supervise the construction of buildings, all keep up with modern trends. But, my friends, where are we when we consider the modern trend? Is there such a thing as a modern trend in legal procedure? What have we done in this State in the last fifty or seventy-five years to speed up and modernize, streamline, if you please, legal procedure in this State?

Those of us who come from smaller places, where we have Court two or three times a year, are all aware of the fact it sometimes takes two or three years to get a lawsuit tried. Imagine a modern business man haggling two or three years over a proposition, and a doctor waiting that long before he can conclude his treatment of something that is acute. It just doesn't make sense, and the time has certainly come for us, if we want to have any kind of law practice, and if we are to meet the need of the modern world, to devise some system whereby we can have modern, quick, adequate trials by judges who are qualified to act, and I don't mean the honorable justices of the peace.

The Junior Bar for about two years in 1938 or 1939 worked on the proposition of a district county court to take the place of the justice of the peace court. I don't know how many county courts we have in the State, possible not more than twelve, maybe fifteen, but the rest of the counties have to rely on the justice of the peace for matters under $200.00. Just think, my friends, how ridiculous is the justice of the peace. Here is some man for the most part who can't make a living doing anything else, and he is elected as a justice of the peace; and he is supposed to be a judge, and lawyers will come before him and argue technical points, and he will be expected to pass on them. It would be laughable if it were not so serious.

Imagine John Wade and me sitting together as two associate justices of the peace in an important case at the Court House. But we will move the scene from the Court House to the hospital, and we will have one surgeon and a second surgeon. The first surgeon says, "I think this type of operation should be had," and the second surgeon says, "I don't think surgery should be had. I think we should use internal medicine." Well, John and I, sitting back as laymen, pass on that question. And the lives and property of people are involved. Why, each of us has had to try cases before justices of the peace who had no conception of what the thing was about. And sometimes in cases which are small the client maybe discussing it says, "Oh, what's the use, just let it go." You have all heard

the expression used by the general public, "Just get it in court and wear it out." My friends, that is a serious indictment, and we don't deserve the respect of the laity until the lawyers take the lead in establishing a judicial system in this State which is adequate to meet the needs, and the impetus and drive for such a court system must originate from the Junior Bar Section.

Why do I say that? We are all members of the State Bar by virtue of the act of the Legislature. It is not an association, it is an integrated Bar. Here is its function. It is the duty of the State Bar to do this—this is from the statute. "It shall be the duty of the Mississippi State Bar, by and through its president, to recommend to the state legislature such legislation relating to the courts, to matters of pleading, practice and procedure, and any other legislation which in its judgment will improve the courts and the law, or render the members of the Bar more efficient as ministers of justice and the courts more efficient as instrumentalities for its attainment."

Now can you point to what we have done? All of us are a little bit impatient. Those of us in the Service come back and find out while we were gone everybody else got rich. We want to get started. We want to get going. My friends, here is something to put your teeth in as far as opportunity is concerned. The opportunity is here for us as lawyers in Mississippi to be busy about this matter of leadership.

I have this statement from a lawyer who wrote me this about two months ago. This lawyer is one of the most prominent men in the State. His firm is one of the biggest in the State, and some several years ago he performed the duty required by this Act. The President of the State Bar appointed him chairman of the Study Committee. The Study Committee is required to do as its name indicates, report to the State Bar what it recommends the State Bar do. This gentleman and his committee worked, which is a little bit unusual, and they produced a fine report. It had some controversial matters in it. We can't make changes without somebody being opposed to them. We all get in the habit, we are all creatures of habit to a large degree, but we must have some change if we are to keep up with the modern trend and with the modern world.

In order to let the State Bar and the membership of the Bar know exactly what it proposed, this Committee published its report in the Journal two or three months before the Bar met. It was presented to the State Bar. One of the oldsters of the state Bar got up and said that he thought the other side ought to be given an opportunity to be heard, and he moved consideration be postponed until the next meeting of the State Bar twelve months hence; and that he and his friends who were opposed should then be given opportunity to put their statement in the Journal as to why they were opposed to the report of the Committee. The motion was carried and the matter postponed. It then became dormant, and as far as I know, dead. It was never brought up before the State Bar again.

Here is the statement of this lawyer who worked as Chairman of this Committee. "It is good to know that you thought of me in connection with my work with the Mississippi Bar Association. I have given up all hopes that the Association is going to accomplish anything. The Junior Bar was doing good work when the war came on. Perhaps it will be rejuvenated and resume the effort it was making at one time for progress in judicial circles in Mississippi. So far as the old lawyers are concerned, I have lost all hope. When they failed to proceed against the lawyers who were openly flaunting the provisions of the statute with reference to the payment of dues, I gave up all hope."

So, my friends, you see that you have an opportunity. You can do something about it, if you will. We should certainly eliminate the justice of the peace court. We can consider whether or not we can establish some kind of district county court where several counties can bear the expense and you can have frequent trials presided over by a lawyer who can pass on pleading, practice and procedure. If it takes a constitutional amendment to abolish the J. P. Court, it should be had. The colleges got together some years back and put through a constitutional amendment. It is not an impossibility. All we have to do is make up our minds to do it, and if we do make up our minds to do it, and enough of us are of the same mind, we can. We can wield a tremendous amount of influence with our Legislators in our home communities if we make up our minds to do so. I think that very, very important. Let's make up our minds to do it. Let's do something to improve the legal profession in Mississippi and catch up with the other professions.

The last specific thing I mention to you—I have already touched on it in connection with this third proposition—that is the proposition that we all pitch in as members of the State Bar, and try to make the State Bar, and of course, the Junior Bar, a service institution.

Quite frequently, we hear nominating speeches for the President of the State Bar, and the import of the remarks is that this man is a fine lawyer, has been a public servant, an excellent leader in his community, active in civic affairs, and this position should be bestowed upon him. And so frequently, I am afraid it is considered as an honor to nominate a man the President of the State Bar. It is not an honor but an opportunity for service. He has the biggest opportunity for service of any lawyer in the State of Mississippi. This is our organization, and we are all members of it by virtue of the Legislature. I think we should stop considering somebody for the presidency because he is entitled to the honor of recognition of fine service. I think we should elect a man who regards it as an opportunity for service, an opportunity of doing something for the profession, and as this Act says, so that we, as "ministers of justice", can become more efficient, and the courts more efficient.

I hold out these propositions to you as a challenge. First, what, as lawyers and leaders in your community, we shall do as regards race relations. Second, the matter of raising the educational qualifications for

admission to the Bar. Third, the proposition of doing something to improve legal procedure in Mississippi.

On some of the law journals that used to come into Ole Miss Law School when I was up there, there was a statement of Blackstone which said, "The law is the perfection of human reasoning." Now that sounds a little smug to me. That is what we want it to be, that is what we aspire for it to be. There is a moving van company which has a motto that I think we can adopt as something to shoot at also. They say, "The world moves, so do we." My friends, to you and to me, I throw out that challenge. We are back, the war is over. Let us lead the legal profession, move forward, so we can say with some satisfaction and even smugness, if we desire, "The world moves, so do we."

Mr. Charles S. Tindall, Jr., of Greenville, after paying tribute to the memory of Judge T. C. Kimbrough, and recalling Judge Kimbrough's interest in and support of the Junior Bar Section, moved that the Chairman appoint a committee to draw up resolutions expressing for the Section its loss in his passing, and its appreciation of his work; and that such resolutions should appear on the minutes of the meeting. The motion passed. Mr. George M. Ethridge, Jr., of Meridian, called attention to Mr. Clayton's remarks concerning the loss to the Bar of Charles A. Sisson, once Chairman of the Junior Bar Section. Mr. Ethridge moved that the same committee be authorized to draw appropriate resolutions in memory of Charles A. Sisson. The motion passed. [Chairman Wade appointed the following committee: Charles S. Tindall, Jr., George M. Ethridge, Jr., Guy W. Mitchell, Jr., E. G. Truly, Jr., Don D. Townsend. The committee adopted the following resolutions:]

IN MEMORIAM

Thomas Charles Kimbrough

Whereas, the State of Mississippi has been deprived of one of its most learned and distinguished scholars, and the legal profession of one of its outstanding leaders in the loss by death of Thomas Charles Kimbrough, our beloved Dean of the Law School of the University of Mississippi, and

Whereas, Judge Kimbrough, as he was known to all of us, exemplified for the members of the Junior Bar Section and for all of his friends throughout the State the highest ideals of the legal profession and the finest qualities of devotion to his profession, the University of Mississippi and the citizens of our State,

Now, therefore, be it resolved by the Junior Bar Section of the Mississippi State Bar, the entire membership concurring therein, that they express their sincerest sympathy to his beloved wife and family, and express the deep sense of loss that the Junior Bar Section and all its mem-

bers feel through the passing on of our great friend and constant source of inspiration.

BE IT FURTHER RESOLVED that a copy of this resolution be placed in the minutes of this meeting, and one sent to the members of his beloved family.

Charles S. Tindall, Jr., Chairman
George M. Ethridge, Jr.
Guy W. Mitchell, Jr.
E. G. Truly, Jr.
Don D. Townsend

CHARLES A. SISSON

WHEREAS, the Junior Bar Section has been deprived of one of its most valuable and distinguished younger members through the passing of Charles A. Sisson, our friend and outstanding associate, and

WHEREAS, Charles A. Sisson so conducted himself in his everyday life and in his profession that he impressed all those with whom he came in contact with his ideals, earnestness, and his outstanding abilities as a lawyer, and

WHEREAS, the members of the Junior Bar Section feel that they have been deprived of a rich and personal association through his passing,

NOW, THEREFORE, BE IT RESOLVED by the Junior Bar Section of the Mississippi State Bar, the entire membership joining therein, that they tender their condolences and sympathy to his family in their hour of sorrow, and express to them the appreciation of the Junior Bar Section for his fine work and the personal loss felt by every member of the Junior Bar Section.

BE IT FURTHER RESOLVED that a copy of this resolution be placed in the minutes of this meeting, and one sent to the members of his family.

Charles S. Tindall, Jr., Chairman
George M. Ethridge, Jr.
Guy W. Mitchell, Jr.
E. G. Truly, Jr.
Don D. Townsend

Mr. Dick Thomas, of Senatobia, called attention to the need for positive action by the Junior Bar on the problems raised by Mr. Clayton in his address. A discussion followed as to action to be taken, particularly in regard to Mr. Clayton's suggestions as to educational standards for the Bar. On motion of Mr. George Schweizer, of Greenville, it was resolved that the incoming Chairman should appoint a committee to consider raising the educational requirements for admission to the Bar, such committee to report to the next annual meeting of the Junior Bar Section.

The Chairman then called for nominations for Chairman of the Junior Bar Section for the ensuing year. Mr. Joe H. Daniel nominated Mr. William N. Ethridge, Jr., seconded by Mr. Walter Bridgforth. Mr. John A. Farese moved that all nominations be closed. The motion passed, and Mr. Ethridge was declared elected by acclamation. On invitation by the Chairman, Mr. Ethridge made the following remarks:

MR. ETHRIDGE: My friends, fellow members of the Junior Bar, I won't interfere but a moment with the continuation of election of officers. I want to thank you most sincerely for the honor you have conferred on me. I might say now, that I shall presume that all of you intend to do some work. We shall very shortly have a number of committees with well-outlined functions. However, their results will depend on you. I can do no more than furnish the basic ideas and some of the leadership.

My friend, Hugh Clayton, whom I remember very fondly from the days he used to play baseball with the experts, made one point I have always been particularly interested in ever since I got started in Law School back in 1935, particularly since I have been out in practice; that is the great need for changes or modernization in our judicial procedure. It is completely inadequate, and particularly in our circuit courts. And it seems to me that there is a great opportunity that the members of the Junior Bar Section can put our finger upon. That is, the opportunity of crystallizing the thought of the young progressive men and women of the state to modernize our system of judicial procedure. By doing that, it seems to me, we can perform the basic function of the State Bar and of the Junior Bar Section. That function is to be of service to the citizens of the State of Mississippi, irrespective of whether they are lawyers or not. Of course, incidentally by doing that, we will benefit our profession and we will be performing, as I conceive, the highest duty of a lawyer to represent the public and to see that there is ever equal and expeditious justice.

I had the pleasure of working on the Study Committee of the State Bar about four years ago, to which I presume Mr. Hugh Clayton refers, and the Committee spent many, many hours drafting the proposed draft of the Civil Procedure Bill. It was printed in the Law Journal, and did not go much further. There was no concrete criticism of it. It just didn't pass. My frank opinion as to the reason it did not pass is that we did not have enough members in the Junior Bar Section in the State of Mississippi at that time to push it. I believe we have now.

One other matter which I have been very much concerned about has been with reference to the standard for admission to the Bar. This idea has already been discussed briefly. I had the opportunity and pleasure of teaching at the University Law School for two years, and I have been out in practice off and on since 1937, and, gentlemen, I am firmly convinced that it is not the right of everyone to practice law. It is a privilege and it is a responsibility, and it should be placed on that plane the same as the privilege to practice medicine or any other skilled profession. Law is no trade, or at least it should not be. It is a profession.

I am of course unable to appoint any committees at the present time, with one exception. I should like to ask my good friend, L. A. Wyatt, to serve as Chairman of the Code Committee. If you have any suggestions, changes, or criticisms for the 1942 Code, then refer them to L. A. Wyatt. I should also like to appoint George Ethridge to that committee; all of you know that he has been one of the men most instrumental in drafting the 1942 Code.

Again I say that I am most grateful for the honor that you have conferred upon me. And I want to assure you that I am going to ask each and everyone of you to serve on committees which will be active committees and not just theoretical ones.

The Chairman then called for nominations for Vice-Chairman of the Junior Bar Section. Mr. R. H. Robinson nominated Mr. James Eaton. Mr. Bruce Aultman moved that nominations be closed. The motion passed, and Mr. Eaton was declared elected by acclamation.

The members of the Section then separated according to Supreme Court Districts to elect members of the Executive Committee. The following were elected: Northern District: Stanny Sanders, Indianola; John Farese, Ashland; J. W. Whitten, Jr., Sumner. Middle District: James P. Biedenharn, Vicksburg; Charles S. Tindall, Jr., Greenville; Stokes V. Robertson, Jr., Jackson. Southern District: B. D. Statham, Magnolia; E. G. Truly, Jr., Fayette; Ollie D. Brame, Magee.

Chairman Wade called attention to the fact that the Second Vice-President of the State Bar was customarily a member of the Junior Bar Section, and nominated by the Section. On nominations being called, Mr. Arlington Jones, Mr. John Wade, and Mr. Charles S. Tindall, Jr. were nominated from the floor. Mr. Wade requested that his name be withdrawn, since it was his last year as a member of the Junior Bar Section. Vote was by standing. Mr. Tindall was declared the nominee of the Section for Second Vice-President of the State Bar.

The meeting was then adjourned.

REPORT OF ACCOUNTS AND FINANCES

MISSISSIPPI STATE BAR

DICK D. QUIN & COMPANY

CERTIFIED PUBLIC ACCOUNTANTS

JACKSON, MISSISSIPPI

June 6, 1946

Board of Commissioners
Mississippi State Bar
Jackson, Mississippi

Gentlemen:

In accordance with your instructions, we have audited the accounts and financial records of the Mississippi State Bar as maintained in the office of the Secretary-Treasurer for the fiscal year ended May 31, 1946. The scope of this audit embraced the verification of all recorded receipts and disbursements for the year under review and the verification of the unexpended balance on hand at May 31, 1946.

The results of our audit are presented in this report, which includes: (1) text of comments and explanatory detail; (2) statement of receipts and disbursements for the fiscal year ended May 31, 1946; and (3) schedules supplementing the foregoing statement. A list of the statement and supporting schedules making up a part of this report is presented on the sheet following the close of the text of comments.

COMMENTS RESPECTING RECEIPTS AND DISBURSEMENTS

Exhibit A presents a statement of receipts and disbursements for the fiscal year ended May 31, 1946.

A summary of receipts and disbursements for the current fiscal year, as disclosed by this exhibit, and a comparison with a like summary of receipts and disbursements for the preceding fiscal period, are presented in the following table:

	1945-46	1944-45	Increase Decrease–
BALANCE ON HAND, BEGINNING OF PERIOD	$1,019.12	$1,014.69	$ 4.43
RECEIPTS:			
Dues collected	4,730.00	3,740.00	990.00
Returned checks for prior years' dues collected during year	10.00	–	10.00
Total receipts	$4,740.00	$3,740.00	$1,000.00
	$5,759.12	$4,754.69	$1,004.43

DISBURSEMENTS:			
Secretary's salary	600.00	600.00	–
Office expenses	599.90	418.49	181.41
Annual convention expense	274.14	–	274.14
Commissioners' meetings	821.90	532.40	289.50
Committee on war work	400.00	570.00	170.00–
Mississippi Law Journal	1,056.74	762.61	294.13
Miscellaneous disbursements	69.79	442.02	372.23–
Expenses applicable to previous fiscal period	369.66	410.05	40.39–
Total disbursements	$4,192.13	$3,735.57	$ 456.56
BALANCE ON HAND, END OF PERIOD	$1,566.99	$1,019.12	$ 547.87

An analysis of the dues collected during the fiscal year ended May 31, 1946, is presented in schedule A-1. This schedule shows the amount collected for each fiscal year. All receipts issued by your Secretary-Treasurer were verified by tracing amounts reflected thereon into the depository.

All cancelled checks covering disbursements were carefully examined and were found to be properly supported by vouchers. In this regard, however, we wish to call attention to the fact that as of the date of our audit, one 1946 issue of the Mississippi Law Journal, the cost of which is properly chargeable against the unexpended 1945-46 appropriation of $343.26, had not been released by the printers.

The balance of cash on deposit at May 31, 1946, amounting to $1,566.99, was verified by direct communication with your depository.

A list of all delinquent members at May 31, 1946, is presented in schedule A-2. Returned checks held for redeposit, for which receipts had been issued, are reflected in schedule A-3. Although members whose checks had been returned unpaid were delinquent, and are so shown in schedule A-2, it nevertheless was deemed advisable to include as a part of this report a list of the members whose checks were returned unpaid by the banks.

A review of the active membership roll of the Mississippi State Bar for the current fiscal year revealed the following information:

Active members paying dues	629
Delinquent members	383
Exempt members	50
New members exempt for one year	59
Members in U. S. Armed Forces	384
Total	1,505

Entries have been made in the journal under date of May 31, 1946, to bring the financial records into conformity with the statement of receipts and disbursements forming a part of this report.

Yours very truly,
DICK D. QUIN AND COMPANY
Certified Public Accountant

EXHIBIT A

MISSISSIPPI STATE BAR

Statement of Receipts and Disbursements For the Fiscal Year Ended May 31, 1946

BALANCE ON HAND, JUNE 1, 1945			$1,019.12
RECEIPTS:			
Dues collected—schedule A-1		$4,730.00	
Returned checks for prior years' dues collected during year		10.00	
Total receipts			4,740.00
			5,759.12
DISBURSEMENTS:			
Secretary's salary		600.00	
Office expenses:			
Auditing	$ 125.00		
Bond premium	7.50		
Exchange and bank charges	5.05		
Postage and box rent	239.36		
Stationery, printing, and office supplies	156.89		
Telephone and telegraph	66.10		
		599.90	
Annual convention expense		274.14	
Commissioners' meetings		821.90	
Committee on war work		400.00	
Mississippi Law Journal—see note below		1,056.74	
Miscellaneous disbursements:			
Flowers for funerals	20.55		
Junior Bar Section	7.34		
Memorial services	41.90		
		69.79	
Expense applicable to year 1944-45:			
Mississippi Law Journal—Volume XVII, Number 2		369.66	
Total disbursements			4,192.13
BALANCE ON HAND, MAY 31, 1946			$1,566.99

NOTE: One 1946 issue of the Mississippi Law Journal chargeable to 1945-46 appropriation had not been printed as of May 31, 1946. This issue will not be paid for until received.

Mississippi Law Journal

JOURNAL of the MISSISSIPPI STATE BAR

VOLUME XVII **OCTOBER, 1946** **NUMBER 6**

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MISSISSIPPI STATE BAR

1946-1947

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Roberts, M. M.
Rollins, Robert H.
Simrall, James, Jr.
Smith, Luther A.
Stevens, Ben
Sullivan, C. W.
Sullivan, T. H.
Thompson, Joe Avery
Travis, J. K.
Travis, S. E.
Wingo, Earle L.
Wooten, E. T.
Wooten, R. G.

HAZELHURST

Armstrong, J. T.
Arrington, Mrs. Ethel R.
Garth, J. Hunter
Guynes, J. F., Judge
Henley, W. S.
Jones, W. Roger
Kemp, Carroll
King, Benjamin
Wilson, H. J.
Zama, Miss Lena

HERNANDO

Bowdre, P. H.
Chatham, Gerald W.
Garner, Boyce Lee
Holmes, F. C.
Holmes, F. C., Jr.
Logan, R. F. B.

HICKORY

McGee, S. E.

HOLLANDALE

Clark, E. S.

HOLLY SPRINGS

Belk, Fred M.
Belk, Wm. D.
Doxey, Hindman
Doxey, Wall
Fant, L. G., Sr.
Smith, Lemuel A., Jr.

HOUSTON

Abernethy, H. B.
Brand, W. W.
Parker, Elliott

INDIANOLA

Allen, B. B.
Clark, A. B.
Cooper, Forrest G.
Davis, Howard Q.
Davis, S. F.
Everett, Frank E.
Featherstone, F. M.
Forman, J. M.
Harper, Jack E., Jr.
Heckler, W. J.
Lyon, Gordon L.
Price, J. H.
Quinn, David M., Jr.
Sanders, John S.
Townsend, Oscar B.
Williams, J. L.

ITTA BENA

Morton, Perry W.

IUKA

Clark, J. O.
Clark, T. A.
Finch, J. D.

INVERNESS

O'Donnell, David E.

JACKSON

Alexander, James A.
Alexander, James A., Jr.
Alexander, Julian P.
Alexander, Julian P., Jr.
Alford, Mrs. Cecile C.
Alliston, W. T.
Anderson, W. D.
Arrington, R. O.
Austin ,B. G.
Austin, H. L.
Avery, Ralph B.
Bacon, Wm. A.
Barbour, J. S.
Barksdale, Henry
Barnett, Arden
Barnett, Ross R.
Bass, Catherine
Beach, John S.
Bennett, John D.
Berry, Walter
Black, William P.
Blalock, J. A.
Blissard, Tom L.
Bond, E. L.
Bostic, Carl C.
Bouslog, M. P.
Bowling, Francis S.
Boykin, Mack L.
Bratton, Thos. S.
Breland, Daniel E.
Britt, George T.
Brody, Ed. W.
Broom, Harmon W.
Broom, S. C.
Broom, S. C., Jr.
Brown, Henry N., Jr.
Brown, James T.
Bryan, Harry M.
Bryant, Clifton E.
Burkett, John G.
Burns, James A. (col.)
Burns, Robert, Jr.
Butler, Geo. H., Jr.
Butler, Geo. H., Sr.
Byars, W. G.
Byrd, James L.
Byrd, W. A.
Caldwell, T. E.
Calhoun, Edwin
Cannada, Robt. C.
Chambers, Paul
Chandler, Joe B.
Cheney, Reynolds S.
Childress, W. M.
Chill, Bernard N.
Christian, Murray
Cohen, Marvin A.

Coleman, W.
Collum, Mrs. Aline J.
Collum, M. E., Jr.
Conner, M. S.
Coody, A. S., Jr.
Cox, Wm. H.
Craig, John
Crawford, Marvin
Creekmore, H. H.
Creekmore, Rufus
Cunningham, E. Hugh
Daniels, Joe H.
Davis, James L., Jr.
Davis, Jefferson
Davis, W. D.
Dickson, Archie L., Jr.
Dinsmore, R. R.
Dora, F. Donald Edward
Dudley, Colbert
Dunn, Vardaman
Eager, P. H., Jr.
Easterling, Lamar F.
Edmonds, Henry
Edwards, Allen T.
Edwards, Earnest R.
Ellis, Tom
Enochs, DeWitt C.
Ethridge, F. K., Jr.
Ethrdige, Geo. H.
Ethridge, Wm. N., Jr.
Everett, W. M.
Ewing, Jack
Fink, Alvin E.
Flowers, Henry G.
Flowers, J. N.
Floyd, Earle N.
Fly, Henry A.
Fontaine, W. B.
Franklin, J. B.
Franklin, Lester, Jr.
Friend, Joe N.
Fulton, Aubrey D.
Gerald, Martha W.
Gillespie, H. B., Jr.
Gober, Curtis A .
Gordon, Chas. M.
Grantham, Gordon
Graves, Chas. L.
Green, Garner
Green, Garner W., Jr.
Green, Marcellus
Green, Marcellus Calhoun
Griffin, Mrs. Julia S.
Griffith, V. A., Judge
Gully, J. B.
Gwinnup, Harry G.
Hamilton, George S.
Hardy, W. F.
Harris, W. R.
Harper, A. Y.
Harris, W. R.
Hartford, Robt. W.
Hartley, T. A.
Hauberg, Robert E.
Hedgepeth, T. H.
Heidelberg, Cecil F., Jr.
Hendrick, Leon F.
Hendrix, Thos. D.
Herring, Geo. B.
Hewitt, W. H.
Hill, C. E.
Hineman, C. D.
Hines, Mrs. Matelyn Floyd
Hitch, Lewis
Holmes, E. R., Jr.
Hopkins, Hugh Sam
Horan, Leo
Hutton, J. B., Jr.
Hulen, Mrs. Elizabeth
Inman, C. E.
Jackson, Forest B.
Jameson, Jay R., Jr.
Jones, James Edward
Jones, L. Barrett
Jones, Maurice M.
Jones, P. Z.
Kendall, Henry M.
Kendall, James T.
Kimbrell, Frank C.
Kuykendall, J. M., Jr.
Landman, B. R.
Landrum, Ralph
Lauglin, Wm. F.
Lee, Robt. M.
Lewis, Meyer A.
Lindsey, H. Lee
Lipscomb, Hubert
Loerke, Carl F.
Long, L. H.
Lotterhos, Fred J.
Ludlan, Warrane V., Jr.
Lyell, G. G.
Lyell, G. G., Jr.
Madole, B. F.
Maloney, John P.
Mansell, Magruder Lee, Jr.
Manship, Luther
May, Geo. W.
McClendon, B. B.
McDonald, E. J.
McGehee, Billy
McGehee, Harvey, Judge
McGowan, M. M.
McKee, Clyde V.
McKeigney, Alex
McLean, Mrs. Margaret
McManus, Dessie E.
Meek, Geo. D.
Melton, Miss Louise
Mhoon, W. L. (Col.)
Miller, Raymond W.
Mitchell, Milton
Moffitt, Martha Rose
Moncure, Mrs. Clarabel H.
Morse, Wm. E.
Mounger, W. M.
Murray, T. A.
Neal, Geo. G.
Neely, Wm. H.
Neely, Wm. T.
Nevels, Mrs. Alice
Newman, W. R., Jr.
Nobles, George R.
Nunnery, Herbert
O'Mara, Junior
Overstreet, N. W., Jr.
Owens, H. S.
Penny, John L.
Perry, Robert E.
Pickens, Roy Z.
Pierce, W. W.
Pilgrim, M. A.
Pratt, Walter F.
Putnam, John M.
Pyle, L. A.
Pyles, Dixon
Quinn ,L. Percy
Quinn, O. B., III
Ray, Bob
Reed, W. C., Jr.
Rhodes, John Sivley
Rice, Greek L., Atty. Gen.
Richmond, C. C.
Ricketts, Barron C.
Ridgeway, C. R., Jr.
Roberds, W. G., Judge
Robertson, Stokes V.
Robertson, Stokes V., Jr.
Robinson, R. H.

Rogers, Shelby R.
Ross, Jim Buck
Rotwein, Abe A.
Rowe, Johnston S.
Russ, Roderick S., Jr.
Russell, Ted
Rutledge, Robert M.
Sadler, David L.
Satterfield, J. C.
Sauls, E. B., Jr.
Scanlon, C. M.
Scanlon, Leo J.
Scott, Walter A., Jr.
Searcy, W. P.
Seay, Clant M.
Shappley, W. L.
Shaw, George E.
Shell, Dan H.
Shoemaker, N. R.
Shows, Walter L.
Skinner, Joe E.
Smith, Floyd P.
Smith, John T.
Smith, L. A.
Smith, L. O., Jr.
Smith, Sidney
Smith, Sydney A., Jr.
Snow, Chas. B.
Stainton, R. L.
Steele, R. H.
Stennett, E. W.
Stennett, J. C.
Stirling, Carter
Stirling, J. B.
Stevens, J. M.
Stevens, Phinaes
Stockdale, C. L .
Stockton, James M.
Stone, John E.
Stovall, R. B.
Stricker, V. J.
Stringer, A. C.
Stringer, Iva Lee
Suddeth, W. E., Jr.
Taylor, H. D.
Taylor, O. B.
Taylor, O. B., Jr.
Taylor, Swepson S., Jr.
Teat, G. L.
Terry, Robert B.
Thomas, Earl T.
Thompson, Allen C.
Thompson, Fulton
Thompson, J. H.
Thompson, R. H.
Tighe, B. L., Jr.
Todd, E. B.
Townes, James A.
Trenholm, Edw. L.
Tucker, Mrs. Betty B.
Upton, Mrs. Marie L.
Vogl, George W.
Wade, B. D.
Walton, J. O.
Wander, Mose
Ward, F. A.
Watkins, H. V., Jr.
Watkins, Thos. H.
Watkins, W. H.
Watson, J. R.
Watson, Richard L.
Wells, Erskin W.
Wells, Robert
Wells, W. Calvin
Wells, W. Calvin, Jr.
Wells, W. Calvin, III
Whitfield, Garland
Williams, Dan (Col.)
Williams, F. T.
Williams, Gladstone E.
Willoughby, T. R.
Wise, Sherwood
Womack, Edwin L.
Wood, J. M.
Wood, Orvis S.
Woodliff, George
Woodrow, O. J.
Wyatt, Lon. A.
Young, J. Will, Jr.
Young, M. C.

KOSCIUSKO

Allen, Joe Frank
Allen, John F.
Allen, John Percy
Crawley, David E.
Crawley, D. E., Jr.
Crawley, J .T., Jr.
Day, Icey W.
Glass, D. H.
Guyton, J. D.
Guyton, T. P.
Hines, Harry
Love, John Clark
Massey, Alton
Morgan, C. E.
Thornton, G. J.
Townsend, Wm.

LAMBERT

Gee, Wm. C.
Stone, Hoke
Stone, V. D.

LAUREL

Beard, W. A., Jr.
Bonney, E. C.
Buchanan, James R.
Casey, Lunsford O.
Collins, F. B.
Cooper, E. B.
Deavours, Jack
Doggett, Grover
Dyke, Herbert H.
Finch, Henry L.
Fuller, Samuel Wm.
Gartin, Carrol
Harper ,Charles E.
Harper, Matthew, Jr.
Hilburn, Henry, Jr.
Holloman, Frank C.
Hosey, G. W.
McDill, Jack
Montgomery, Goode, Jr.
Nobles, Roy P., Judge
Pacific, Larry A.
Pack, Samuel V.
Peterson, M. H.
Ross, Quitman
Scott, A. S.
Seale, J. Eugene, Jr.
Swartzfager, Paul
Swartzfager, Phillip
Swartzfager, R. C.
Tullos, Lowie V.
Walker, Ray
Weems, Milton B.
Welch, W. S.
Welch, David C.

LEAKESVILLE

Alderman, J. E.
Backstrom, J. W.

LELAND

Gerald, Eugene
Waits, D. Hilton
Waits, Wm. B.

LEXINGTON

Barrett, Pat M.
Berman, J. E.
Johnson, H. H.
Lindholm, P. P.

McMorrough, G. H.
Neilson, E. T.
Ruff, D. R.
White, H. Edwin

LIBERTY

Gordon, C. T.
Gordon, J. D.
Kinabrew, Randolph
Poole, M. H.
Stratton, Asa G.
Whittington, E. O.

LONG BEACH

Aldridge, Francis G.

LOUISVILLE

Carter, H. T.
Fair, Charles D.
Hathorn, Hoy
Livingston, Ed. M.
McCully, H. E.
Priscock, Neal
Reich, Frank L.
Rodgers, Henry L.
Strong, W. A., Jr.

LUCEDALE

Byrd, T. H.
Moss, J. O.
Moss, O. F.
Murphy, Wm. S.

LUMBERTON

Jaggers, Boudie A.
Yeager, John A.
Yeager, John A., Jr.

McCOMB

Alford, J. L.
Cassidy, J. J.
Hagee, T. M.
Hewitt, F. D.
Jackson, Wm. F.
Jones, Bert H.
McClaren, L. S.
McLain, W. G.
Price, Kenneth G.
Price, Kenneth, Jr.
Reeves, R. B.
Roach, J. Gordon
Simmons, Hansford L.

MACON

Britton, E. H.
Lucas, W. B.
Martin, L. L.
Phillips, John A.
Stennis, J. P.

MAGEE

Brame, Ollie D.
Floyd, L. R.
McRaney, A. W.
Russell, R. C.

MAGNOLIA

Alford, P. K.
Cutrer, R. W.
Phillips, O. W.
Price, J. H.
Price, J. H., Jr.
Statham, Billy

MARKS

Black, E. C.
Caldwell, Ben M.
Cox, W. A.
Denton, P. L.
Gee, W. F.
Gore, Ney M., Jr.
Thompson, Eugene

MAYORSVILLE

Windham, E. P.

MEADVILLE

Bennett, R. E.
Cowart, C. F.
Griffing, H. B.
McGehee, Dan R.
Torrey, J. A.
Torrey, Sanfred
Torrey, V. H., Jr.

MENDENHALL

Edwards, A. K.
Edwards, J. P.
King, Bea
Lofton, W .M.
Sykes, James B.

MERIDIAN

Amis, A. B., Sr.
Bordeaux, R. M.
Bozeman, A. S.
Bozeman, A. S., Jr.
Broach, Walker, Jr.
Broadway, L. J.
Busby, A. G.
Butler, James W.
Byrd, Joe G.
Cameron, Ben F.
Cameron, Chas. B.
Clayton, W. L.
Cooper, R. D.
Covington, J. A., Jr.
Crain, Harold G.
Crain, Mrs. Maxine
Denton, C. L.
Dunn, Edwin A.
Dunn, J. Thomas
Ethridge, Geo. M., Jr.
Floyd, J. C.
Gilbert, V. W.
Gillespie, R. G.
Gipson, Champ
Gipson, J. R.
Gipson, J. V.
Graham, J. H.
Graham, S. M.
Harmon, Hunter
Harwell, J. E.
Holmes, D. B., Jr.
Lobrano, Jack
Lutes, Wendell R.
McCants, Allan
McDonald, Edward L.
McDonald, J. T.
Miller, C. C.
Minniece ,Thos. Y.
Nettles, S. R.
Neville, G. B.
Neville, Wm. deB.
Parker, James E.
Riddell, J. A.
Riddell, Tally D.
Rogers, Cecil A.
Rogers, Fred
Ross, Fred A.
Sams, L. F.
Shields, C. D.
Shotts, H. A.
Singley, J. T.
Snow, E. L.
Strange, E. T.
Thomas, O. C.
Tinsley, Robert L.
Townsend, R. E.
Wallace, Robert R.
Wilbourn, J. C.
Wilbourn, R. E.
Williams, Dan G.
Williams, Thomas M., Jr.
Williamson, N. S.
Wills, L. E.
Witherspoon, Gibson
Witherspoon, John
Wright, C. M.
Wright, Russel

MONTICELLO
Cole, James E.
Gibson, C. E .
Magee, Shirley
Patterson, J. N.
MOOREHEAD
Himelstein, Ben
MORTON
Clifford, Chas. C.
MOSS POINT
McIntosh, L. K.
MOUND BAYOU
Green, B. A. (colored)
MOUNT OLIVE
Calhoun, Ed. L.
NATCHEZ
Adams, Lawrence
Bauer, T. L.
Braden, Wm., Jr.
Brandon, G. H.
Brandon, J. M.
Brown, Joe E.
Byrnes, C. F.
Callon, B. C.
Coleman, W. D.
Engle, C. F.
Forman, R. B., Jr.
Geisenberger, W. A.
Gwin, L. C.
Handy, Geo. S.
Hornsby, Oliver
Keyer, James H.
Laub, S. B.
Patterson, C. F.
Ratcliffe, C. L.
Ratcliffe, E. H.
Whittington, L. A.
Winkler, G. E.
NEW AUGUSTA
Watkins, A. T.
NEW ALBANY
Carlton, L. K.
Clayton, H. N.
Darden, T. L.
Knox, Baxter, Jr.
Stephens, Edgar J., Jr.
NEWTON
Amis, A. B., Jr.
Anderson, D. M., Jr.
Carr, J. M.
Majure, R. S.
Roebuck, S. T.
Wall, E. R.
NORTH CARROLLTON
Neill, J. C.
Neill, W. C.
OCEAN SPRINGS
Lindsey, Edward
Poitevent, Schuyler, Jr.
OKOLONA
Bean, George
Morrison, H. L.
Williams, Chas. C.
OXFORD
Andrews, L. C.
Bratton, C. A.
Brown, J. H.
Ethridge, Thomas R.
Ethridge, Wm. N., Sr.
Falkner, J. W. T.
Falkner, J. W. T., IV
Howerton, Huey B., Jr.
Joor, W. W.
McElroy, T. H.
Patton, Fred B.
Roberts, Bramlette
Slough, Mrs. C. E.
Smallwood, David
Smallwood, R. L., Jr.
Stone, Phil
Sumners, C. L.
Thomas, Charles Grant
Williams, R. X.
PASCAGOULA
Colmer, Wm. M.
Ford, E. J.
Ford, J. I.
Gautier, H. W.
Heidelberg, H. P.
Hill, John T.
McLeod, O. L.
Mitchell, Chas. S.
Palmer, Merle F.
Simmons, D. J.
Watts, L. A.
Wiesenburg, Otto K.
PAULDING
Travis, J. Madison
PHILADELPHIA
Alford, H. W.
Cooper, S. B.
Dees, Anse
Gillis, J. K.
Haddock, James H.
Hillman, J. B.
Lewis, Clayton
Mars, James M.
McCraw, A. B.
Moore, Wilbur D.
Priscock, Robt.
Sanford, W. H.
Stribling, Dees
Weir, W. T.
PICAYUNE
Keaton, G. B.
Steen, R. E.
Stewart, Ray M.
Stockstill, J. E.
Thigpen, Tate
Tyler, Luther F.
PICKENS
Atkinson, George
Jones, Bernard M.
PITTSBORO
Sheffield, Joe
PLANTERSVILLE
Deaton, Joe S.
PONTOTOC
Inzer, Wm. H.
Mauldin, B. P.
Mitchell, A. M.
Rayburn, Kendall G.
POPLARVILLE
Morse, J. M.
Parker, H. H.
Shivers, J. C.
Smith, Toxie Hall
Williams, E. B.
Williams, E. B., Jr.
Williams, Lampton
PORT GIBSON
Abraham, J. L.
Anderson, R. B.
Berger, F. C.
Davis, E. D.
Davis, E. W.
Drake, J. T., Jr.
Farrell, Herbert D.
Walker, James M.
Watson, G. S.
Weil, Karl
PRENTISS
Farr, Paul H.
Johnson, O. W. (colored)
Livingston, Robt.
Livingston, W. H.
Luper, O. C.
Martin, G. L.

Milloy, G. M.
PURVIS
Bridges, L. C.
Broadus, A. Q.
Coleman, E. F.
Garraway, J. T.
Shanks, Jesse
Williamson, T. L.
QUITMAN
Butler, John S.
Case, H. F.
Covington, A. W.
Fartheree, J. D.
Shirley, J. E.
RALEIGH
Currie, Homer W.
Tullos, R. S.
RAYMOND
Adams, James Herman
Gillespie, H. B., Sr.
Hall, William G.
Hannon, John
Peyton, F. L.
Ratcliffe, P. D.
Williams, Dolsie Earline
Williams, John B.
Williams, M. Ney
RICHTON
Smith, C. C.
Walley, Ben H.
RIPLEY
Anderson, W. H.
Elliott, Benton W.
Ladner, H. G., Jr.
Pegram, T. E.
Pegram, T .E., Jr.
Smith, Fred B.
Smith, Robt. B.
Street, Orbrey
Street, Oscar
ROLLING FORK
Brown, A. L.
Clements, E. C.
Clements, W. H.
Glazier, Herman
Hakes, D. D.
Joor, J. S., Jr.
Miller, J. Wesley
Wright, F. L.
ROSEDALE
Eddins, Jas. A.
Kaufman, M. L.
Roberts, W. C.
Sillers, Walter
Valentine, A. F.
RULEVILLE
Everitt, Robt. D.
Wiley, O. E.
RUSSELL
Pigford, Howard R.
SARDIS
Fant, H. M.
Keys, R. Taylor
Kyle, John W.
McClure, James
Swango, C. M., Jr.
SCOTT
Johnston, Oscar
SCOOBA
Rhinehart, J. F.
SENATOBIA
Dean, J. F.
Dixon, T. Vincent
Floyd, Jason H.
Holmes, Herbert
Johnson, Harper
Puryear, L. P.
Thomas, Dick R.
SHAW
Chiz, Raymond
Lamensdorff, Rolland G.
Patty, Jack S.
Thomas, Rowan T.
SHELBY
Roberts, Owen
Thompson, Wayne
STARKVILLE
Brown, E. H.
Bell, B. F.
Brown, L. W.
Daniel, G. Odie
Douglas, P. Lanier
Greene, John D., Jr.
Magruder, Augustin
Ross, Wm. M.
Schuetta, Mrs. Zelma P.
Ward, Will E.
Ward, Wm. H.
STONWALL
Hughes, Phillip D.
SUMMIT
Hewitt, W. W.
Hutchison, E. G.
Hutchison, J. T.
SUMNER
Breland, J. J.
Carlton ,C. Sidney
Kellum, J. W.
Whitten, J. W., Jr.
SUMRALL
Hatten, W. J.
SUNFLOWER
Rabinvitz, Mrs. Zeida
TAYLORSVILLE
Ford, Evon A.
Ford, Wm. R.
Weathersby, O. O.
TUNICA
Bankston, W. L.
Dulaney, J. W.
Garner, Martin
Lord, R. G., Jr.
Lowe, J. T.
TUPELO
Adams, M. T.
Anderson, John R.
Blair, W. A.
Bolton, C. R.
Boren, H. A.
Clayton, C. F.
Clayton, S. P.
Davis, T. D.
Finley, J. A.
Hall, Francis L.
Harryman, C. J.
Hill, Robert E.
Hill, Wiley C.
Hutchinson, C. B.
Joyner, E. L., Jr.
Long, Sam H.
Lumpkin, Sam E.
Mitchell, Guy W.
Mitchell, Guy W., Jr.
Mtchell, Wm. P.
Monaghan, Noel
Rankin, John E.
Shands, D. D.
Thomas, F. G.
TYLERTOWN
Broom, Willie M.
Mounger, B. O.
Watkins, W. H., Jr.
TYRO
Johnson, Roy
UNION
Harmon, J. M.
Johnson, C. E.
Porter, L. B.
Stamper, H. G.

UNIVERSITY
Bunkley, Joel Wm., Jr.
Fant, Lester G., Jr.
Fox, J. H.
Green, A. W.
Wade, John W.
UTICA
Carmichael, G. B.
VAIDEN
Coleman, A. J.
VAN VLEET
Davis, Thos. B.
Smith, L. O.
VICKSBURG
Biedenharn, J. P.
Bliss, Ernest L.
Bodron, Ellis B., Jr.
Bonelli, A. M.
Brunini, Alexander J.
Brunini, Edmund L.
Brunini, John B.
Canizaro, Jack P.
Chaney, George
Culkin, J. H.
Dabney, F. Y.
Dabney, J. B.
Dabney, L. B.
Dent, R. L.
Everett, Frank E., Jr.
Feibelman, C. L., Jr.
Good, V. W.
Guider, Ben
Katzenmeyer, C. Leonard
Kelly, R. M.
Martin, Burkett H.
Murray, Harry K.
Nelson, L. E.
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GENERAL INDEX

TITLE INDEX TO LEADING ARTICLES

Administrative Activities of the Union Army During and After the Civil War—*William A. Russ, Jr.* 71
After-Acquired Property Doctrine and Its Application in Mississippi, The—*William N. Ethridge, Jr.* 153
Assessment of Liquidated Damages Under a Construction Contract, The—*E. Kemp Cathcart* 62
Bills of Exceptions—*Vardaman S. Dunn* 392
Farish v. Stone, Chairman, State Tax Commission—*V. J. Stricker* 164
Insanity as a Defense in Criminal Cases—*Ed. H. Green* 160
Interstate Compact to Conserve Oil and Gas: An Experiment in Co-Operative State Production Control, The—*Blakely M. Murphy* 314
Jehovah's Witnesses and the Federal Constitution—*Huey B. Howerton* 347
Mississippi Supreme Court Decisions on Administrative Law—*T. C. Kimbrough* 127
Our Low Estate—*Phil Stone* 90
Place of the Judiciary in the Coming Revolution, The—*R. V. Fletcher* 30
Presumptions: Their Use and Abuse—*Julian P. Alexander* 1
Presumptions in Criminal Cases—*Julian P. Alexander* 45
Purchase by the Federal Government of Lands Within the States—*J. N. Flowers* 20
Retirement of Judges, The—*W. E. Morse* 99
Some Suggestions as to Oral Arguments and Written Briefs in the Supreme Court of Mississippi—*W. G. Roberds* 113
Tax Titles in Mississippi—*Lester Clark* 372
These Inferior Federal Courts—*Curtis L. Waller* 212
What Care Is Required of a Carrier by Air?—*Gibson B. Witherspoon* 221
Workmen's Compensation for Mississippi: One View—*William C. Keady* 197
Workmen's Compensation for Mississippi: Another View—*Percy M. Lee* 202

AUTHOR INDEX TO LEADING ARTICLES

ALEXANDER, JULIAN P.—Presumptions: Their Use and Abuse 1
—Presumptions In Criminal Cases 45
CATHCART, E. KEMP—The Assessment of Liquidated Damages under a Construction Contract 62
CLARK, LESTER—Tax Titles in Mississippi 372
DUNN, VARDAMAN S.—Bills of Exceptions 392
ETHRIDGE, WILLIAM N., JR.—The After-Acquired Property Doctrine and Its Application in Mississippi 153
FLETCHER, R. V.—The Place of the Judiciary in the Coming Revolution 30
FLOWERS, J. N.—Purchase by the Federal Government of Lands Within the States 20
GREEN, ED. H.—Insanity as a Defense in Criminal Cases 160
HOWERTON, HUEY B.—Jehovah's Witnesses and the Federal Constitution 347
KEADY, WILLIAM C.—Workmen's Compensation for Mississippi: One View 197
KIMBROUGH, T. C.—Mississippi Supreme Court Decisions on Administrative Law 127
LEE, PERCY M.—Workmen's Compensation for Mississippi: Another View 202
MORSE, W. E.—The Retirement of Judges 99
MURPHY, BLAKELY M.—The Interstate Compact to Conserve Oil and Gas: An Experiment in Co-Operative State Production Control 314
ROBERDS, W. G.—Some Suggestions as to Oral Arguments and Written Briefs in the Supreme Court of Mississippi 113

Russ, William A., Jr.—Administrative Activities of the Union Army During and After the Civil War 71
Stone, Phil—Our Low Estate 90
Stricker, V. J.—Farish v. Stone, Chairman, State Tax Commission 164
Waller, Curtis L.—These Inferior Federal Courts 212
Witherspoon, Gibson B.—What Care Is Required of a Carrier by Air? 221

MEMORIALS

Thomas Charles Kimbrough 307

PERTAINING TO THE MISSISSIPPI STATE BAR

Directory, 1945 291
Directory, 1946 510
Proceedings of the Fortieth Annual Meeting 229
Proceedings of the Forty-first Annual Meeting 435
Proceedings of the Ninth Annual Meeting of the Junior Bar Section 288
Proceedings of the Tenth Annual Meeting of the Junior Bar Section 483

BOOK REVIEWS

Democracy Begins at Home: The Tennessee Fight on the Poll Tax—By Jennings Perry—Reviewed by James W. Silver 42
Our Civil Liberties—By Osmond K. Fraenkel—Reviewed by W. N. Ethridge, Jr. 40
Woodrow Wilson and The Lost Peace—By Thomas A. Bailey—Reviewed by A. B. Butts 112

INDEX DIGEST

(*) indicates that the discussion involves Mississippi law, though not necessarily confined thereto.

ADMINISTRATIVE LAW
*Administrative boards in Mississippi, listed 151-152
*Delegations of legislative powers to state administrative agencies 129-133
*Evidence before administrative tribunals 146-148
*Examining and licensing boards 135-137
*Municipal administrative agencies, recognition of 137-139
*Procedural methods 139-145
*Power and nature of administrative boards 133-134
*Public utilities, commissions and boards regulating 134-135
*Reaction toward growth of administrative law 148-150
Review of acts of Boards and Commissions by the federal courts 214-220
*State Tax Commission, see

AGENCY
*Broker's recovery for services rendered after expiration of contract 421-422

AIR CARRIER
Liability for injury or death, rules relieving 221-227
Res Ipsa Loquitur, application of doctrine of 224-227

APPEAL AND ERROR
*Bills of exceptions 392-407

ARGUMENTS
*Oral arguments in the Supreme Court of Mississippi 113-118

BANKING
*Joint account—right of survivorship 422-426

BILLS OF EXCEPTIONS
*General bills 394-404
*In general 392-394
*Special bills 404-407

BRIEFS
*Arrangement of written briefs in the Supreme Court 118-122
*Index 123
*Physical form 118
*Suggestions for preparation 122-123
*Time within which to file 118

BROKER
*Recovery for services rendered after expiration of contract 421-422

CIVIL WAR
Administrative activities of the Union Army during and after the Civil War 71-89
Border States in 1861, maintaining of by military government 72-73
Deserters and Prisoners, repatriation of 78-82
Disloyal persons 73-78
Radical Regimes, establishment of 87-89
Reconstruction of loyal government in the seceded areas 82-86

CONGRESS
Approval of Interstate Compact to Conserve Oil and Gas 338
Consent required for compact between states 314-319

CONSTITUTIONAL LAW
Commerce clause, acquisition of land for navigational purposes 26-29
Compacts between states 314-319
Fourteenth Amendment, relation to Bill of Rights 347
Jehovah's Witnesses and the Federal Constitution 347-371
Judicial power as derived from the Federal Constitution 212-214
Our Civil Liberties (Book review) 40-42
Place of Judiciary in the Coming Revolution 30-38
Power of Congress to acquire land in states 24-26

CONTRACTS
Assessment of liquidated damages under a construction contract 62-70
*Broker's recovery for services rendered after expiration of contract 421-422

CORPORATIONS
*Effect of statute requiring inspection by Insurance Commissioner 426-428
*Stockholder's privilege to inspect records 426-428

CRIMINAL LAW
*Burden of proof in plea of insanity 161
*Criminal intent 160
*Insanity as defense in criminal cases 160-162
*Irresistable impulse, doctrine of 161-162
*Presumptions in Criminal Cases 45-60
*Sanity as a jury question 160-161

DAMAGES
Circumstances under which liquidated damages under a construction contract will not be allowed 62-70

ESTATES
*Conveyance to grantee "and the children of her body" 428-432
EVIDENCE
*Admissibility of real evidence 180-182
*Documents 193-194
*Exhibitions of person or objects 182-186
*Experiments 186-188
*General nature of real evidence 180
*Photographs, Xrays, and motion pictures 188-193
*Presumptions as evidence 1-19
*View 194-196
EXCEPTIONS
*Bills of exceptions 392-407
FEDERAL COURTS
These Inferior Federal Courts 212-220
FEDERAL GOVERNMENT
National Forest Reserve Commission 27-28
Purchase of land in states 20-29
Secretary of Agriculture, purchase of land by 27-29
HISTORY
Administrative activities of the Union Army during and after the Civil War 71-89
Woodrow Wilson and the Lost Peace (Book review) 112-114
INSANITY
*Insanity as a defense in criminal cases 160-162
INTERSTATE COMPACTS
Compact clause, Constitution 315-319
Compacts under Articles of Confederation 314-315
Consent of Congress 317-319
Interstate Compact to Conserve Oil and Gas 314-346
Subject matter of compacts 316-317
INTERSTATE COMPACT TO CONSERVE OIL AND GAS
Approved by Congress 336-338
Comparison with other plans considered 331-335
Formation 322-331
Other plans considered 339-344
Predecessor, Oil States Advisory Committee 319-322
States ratifying 335-339
Text of Compact 344-346
JEHOVAH'S WITNESSES
Jehovah's Witnesses and the Federal Constitution 347-371
Summary, Supreme Court cases involving Witnesses 370-371
JOINT TENANCY
*Joint bank accounts 422-426
JUDICIARY
Inferior Federal Courts 212-220
Judicial legislation 30-38
Place of judiciary in coming revolution 30-38
*Presumptions, for judge alone 1-19
Selection of U. S. Supreme Court Justices 33
*Retirement of judges in Mississippi 99-101
Retirement plans in effect throughout the United States 101-109
Review of acts of administratrive boards and commissions by the Federal Courts 214-220
LAND (see Property)
LAW OF THE CASE
**Stare decisis* and *res judicata* 170-179
LEGAL PROFESSION
*Popular misconceptions of 90-98
*Suggestions for improving understanding between laymen and members of the profession 90-98
MEMORIALS
Thomas Charles Kimbrough 307-313
MINERAL INTERESTS (see Oil and Gas)
MISSISSIPPI SUPREME COURT
*Decisions on Administrative Law 127-152
*Oral Arguments 113-118
*Written briefs 118-123
OIL AND GAS
Interstate Compact to Conserve Oil and Gas 314-346
*Taxation, assessment of mineral interests 377-378
*Transaction tax on conveyance of mineral interests 378
POLL TAX
Democracy Begins at Home: The Tennessee Fight on the Poll Tax (Book Review) 42-43
PRACTICE AND PROCEDURE
*Bills of Exceptions 392-407
PRESUMPTIONS
*Distinguished from burden of proof and *prima facie* case 15-17
*Failure to call witness 8-14
*Flight from the scene of crime 55-56
*Innocence, presumption of 56
*Instructions concerning, not to be given 1-19
*Malice as element in murder cases 45-49
*Malice, presumption of from the use of deadly weapon 49-52
*Presumptive formula 56
**Prima facie* statute, presumption of negligence 6-8
*Reasonable doubt, application of doctrine of 57-60

*Recent possession of stolen goods 52-55
*Statutory presumptions 56-57
*Use and abuse of 1-19
*When presumptive burden met 17-18
PRIMA FACIE STATUTE
*Presumption of negligence 6-8
PROPERTY
*Assessment ad valorem tax 376-382
*Conveyances with covenants 153-155
*Descriptions in tax deeds 380-382
*Effect of conveyance to grantee "and the children of her body" 428-432
*Nature of doctrine of after-acquired property and its application 153-159
Purchase by Federal Government of land in states 20-29
*Quit-claim deeds 155-157
*Recording of instruments affecting land 409-420
*Redemption of land sold for taxes 385-386
*Tax sales 382-385
*Tax titles in Mississippi 372-391
*Taxation of mineral interests 377-378
*Tax-forfeited land patents 386-391
Title to land, determined by law of state 20-24
RECORDING
*Instruments affecting land 409-420
STATE TAX COMMISSION
**Farrish v. Stone* (opinion by Chancellor V. J. Stricker on case involving cancellation of permit to sell light wines and beer) 164-168
STATES
Interstate Compact to Conserve Oil and Gas 314-346
Purchase by Federal Government of land in states 20-29
STOCKHOLDERS
*Stockholder's privilege to inspect corporate records 426-428
TAXATION
*Tax titles in Mississippi 372-391
*Taxation of mineral interests 377-378
WORKMEN'S COMPENSATION
*Benefits to the workers 199-201
*Objections to the common law 197-199
*Objections to a Workmen's Compensation Law for Mississippi 204-211
*Rebuttal to arguments in favor of a Workmen's Compensation Law for Mississippi 202-204

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